



EMPLOYMENT TRIBUNALS

Claimant: Mrs A Gregory

Respondent: Precedent Surveyors Limited

Heard via CVP **On:** 5 October 2023

Before: Employment Judge Ayre, sitting alone

Representation

Claimant: In person

Respondent: Did not attend and was not represented.

JUDGMENT

1. The complaint of unauthorised deductions from wages is well founded. The respondent made an unauthorised deduction from the claimant's wages in the period November 2022 to June 2023. The respondent shall pay the claimant £4,985.92 net.
2. The complaint of breach of contract in relation to notice pay is well founded. The respondent shall pay the claimant £3,807.65 as damages for breach of contract, less such sums as it may be required to deduct for tax and national insurance contributions.
3. The complaint in respect of holiday pay is well founded. The respondent made an unauthorised deduction from the claimant's wages by failing to pay the claimant for holidays accrued but not taken on the date the claimant's employment ended. The respondent shall pay the claimant £1,176.91 in respect of holiday pay, less such sums as it may be required to deduct for tax and national insurance contributions.
4. Under section 163 of the Employment Rights Act 1996, the claimant is entitled to a redundancy payment of £5,711.48. The respondent shall pay that sum to the claimant.

REASONS

Background

1. The claimant was employed by the respondent as a Typist / Administrator, from 31 May 2012 until 2 June 2023. Early conciliation started on 14 July 2023 and ended on 25 July 2023. The claim was presented on 25 July 2023 and includes claims for a redundancy payment, for notice pay, for holiday pay and for unpaid wages.
2. In summary, the claimant says that she was told by the respondent's owner, Leesa Hollaway, on 2 June 2023, that the business was closing.
3. By letter dated 14 August 2023 the claim form was sent to the respondent at the following address: The Harrison Suite, Nostell Estate Yard, Wakefield, West Yorkshire, WF4 1AB. The letter stated that if the respondent wanted to defend the claim, it must complete the response form and return it to the Employment Tribunal by 11 September 2023, or a Judgment may be issued against it.
4. No response has been received by the Tribunal. On 21 September 2021, at the instruction of Regional Employment Judge Robertson, the claim and service documents were forwarded to the following address for information: Precedent Surveyors Limited, Leesa Anne Hollaway, 10 Long Cliffe Close, Shafton, Barnsley, South Yorkshire, S72 8WJ.
5. A search of the Companies House website on 4 October 2023 reveals that there is an active company known as Precedent Surveyors Limited which was incorporated on 30 April 2012 with company number 08051134. The registered office of the company is stated as being: The Harrison Suite, The Nostell Estate Yard, Nostell, Wakefield, West Yorkshire, WF4 1AB.
6. According to the Companies House website there is one current director of the respondent, Leesa Anne Hollaway, whose address is given as 10 Long Cliffe Close, Shafton, Barnsley, South Yorkshire, S72 8WJ. There does not appear to be any indication on the Companies House website of any insolvency proceedings involving the respondent.

The hearing

7. The respondent did not attend the hearing. No response has been filed to the claim, and the respondent has played no part whatsoever in these proceedings to date. The claim is undefended. The claimant was ready to proceed today and I decided to go ahead in the absence of the respondent.
8. I heard evidence under oath from the claimant.

Findings of fact

9. The claimant was employed by the respondent from 31 May 2012 until 2 June 2023. She had eleven years' continuous service.
10. After work on 2 June 2023 the claimant was dismissed by the respondent. She was not given notice or paid in lieu of notice. She was told over the telephone that her employment was terminating because the business was ceasing to trade.
11. The claimant's gross salary was £18,000 a year, which gives a gross monthly salary of £1,500 and gross weekly pay of £346.15.
12. The claimant was paid monthly and her net monthly pay was £1,316.36.
13. The claimant was 61 years old when she was dismissed.
14. From November 2022 through to the date of termination of the claimant's employment the respondent repeatedly failed to pay the claimant her full monthly salary. The underpayments were as follows:
 1. November 2022 - £16.36 net
 2. January 2023 - £716.36 net
 3. February 2023 - £766.36 net
 4. March 2023 - £766.36 net
 5. April 2023 - £1,316.36 net
 6. May 2023 - £1,316.36 net
 7. June 2023 - £87.76 net
15. The claimant was underpaid in total the sum of £4,985.92 between November 2022 and June 2023.
16. The claimant had accrued 17 days' untaken holiday as at the date upon which her employment terminated.

Conclusions

Redundancy payment

17. I find that the claimant's employment terminated by reason of redundancy as the respondent ceased trading on or around 2 June 2023. The claimant was dismissed by reason of redundancy and, in light of her age (61), her length of service (11 years) and her gross weekly pay (£346.15), is entitled to a statutory redundancy payment of 16.5 weeks' pay, which equates to £5,711.48.
18. The respondent is therefore ordered to pay to the claimant a statutory redundancy payment of £5,711.48.

Holiday pay

19. The claimant accrued 17 days' holiday before her employment terminated. She is

entitled to 17 days' holiday pay at £69.23 a day (£346.15 gross weekly pay divided by 5). This gives a total payment in respect of holiday pay of £1,176.91 gross.

20. The respondent is therefore ordered to pay to the claimant holiday pay of £1,176.91, less such sums as the respondent may be required to make in respect of tax and national insurance contributions.

Notice pay

21. The claimant was employed by the respondent for just over 11 years. She is entitled, under section 86 of the Employment Rights Act 1996, to one week's notice for each complete year of service. Her notice pay entitlement is therefore 11 times £346.15, giving a total of £3,807.65.

22. The respondent is therefore ordered to pay to the claimant notice pay of £3,807.65, less such sums as the respondent may be required to make in respect of tax and national insurance contributions.

Unlawful deduction from wages

23. The respondent made unlawful deductions from the claimant's wages between November 2022 and June 2023. The total amount of the unlawful deductions during that period is £4,985.92 net.

24. The respondent is therefore ordered to pay to the claimant the sum of £4,985.92 in respect of unlawful deductions from wages.

Employment Judge Ayre

Date: 5 October 2023

JUDGMENT SENT TO THE PARTIES ON

.....

.....
FOR THE TRIBUNAL OFFICE

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.