



EMPLOYMENT TRIBUNALS

Claimant(s): (1) Miss Y Dewse
(2) Mrs J Dewse

Respondent(s)) (1) Judith Samrai
(2) Victoria Leisure Ltd

Heard at: Cardiff **On:** 10 February 2017

Before: Employment Judge P Cadney

Members:

Representation:

Claimant: Written Representations

Respondent: No Appearance

JUDGMENT

The Judgment of the tribunal is that :-

Miss Y Dewse:-

- i) The claimant's claims of unfair dismissal, unpaid notice pay and unpaid holiday pay are well founded.
- ii) The respondents are jointly and severally liable to compensate the claimant in the sums set out in paragraph 3 of the reasons below.

Mrs J Dewse

- i) The claimant's claims of unfair dismissal, unpaid notice pay and unpaid holiday pay are well founded.
- ii) The respondents are jointly and severally liable to compensate the claimant in the sums set out in paragraph 3 of the reasons below.

REASONS

1. The Claimants both bring claims of unfair dismissal, unpaid notice pay and unpaid holiday pay. Neither Respondent has submitted a Response to the claim. The Claimants have both supplied Schedules of Loss and in the absence of a Response from either Respondent it is appropriate to issue Judgment. The Tribunal should make one thing clear, it is not entirely clear which of either Mrs Samrai personally or Victoria Leisure Ltd was the Claimants employer as all the claims that have been produced have been submitted as claims which could only be made against the Claimants employer. However in the absence of any Response from either Respondent in the view of the Employment Judge it is appropriate to make awards for which each Respondent bears joint and several liability. It would clearly have been perfectly easy for whichever Respondent was not the Claimants employer to have submitted a Response saying so irrespective of any other defence they may or may not have had to the claims. Accordingly Judgment is given against both Respondents for unfair dismissal, failure to pay notice pay and failure to pay holiday pay.
2. The awards are made on the basis of the information given in the Claimants Schedules of Loss, however they have been altered slightly insofar as the claim for holiday pay is not a claim which is compensation in respect of unfair dismissal and is therefore a freestanding head and is not one to which the statutory uplift will apply.
3. Accordingly the figures have been altered slightly:-

In respect of Mrs Jacqueline Dewse the awards are as follows:-

Unfair dismissal basic award	£1,048.85
Compensatory award loss of earnings	£4,569.50
Loss of statutory rights	£350.00
Total of:	£4,919.50
With an uplift of (for the failure to follow the statutory procedure)	£1,229.87
Wrongful dismissal/notice pay	£1,098.44
Holiday pay	£4,921.00

In respect of Miss Yasmin Dewse the awards are as follows:-

Unfair dismissal basic award	£1,062.14
Compensatory award loss of earnings	£3,459.50
Loss of statutory rights	£350.00
Total of:	£3,809.50
with an uplift of	£952.37
(for the failure to follow the statutory procedures)	
Wrongful dismissal/notice pay	£1,179.25
Unpaid holiday pay	£5,859.70

Employment Judge P Cadney
Dated: 24 March 2017

JUDGMENT SENT TO THE PARTIES ON
31 March 2017

.....
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.