



# EMPLOYMENT TRIBUNALS

**Claimants:** (1) Miss K Smith  
(2) Miss L Cass

**Respondent:** Ms Louise Devlin

## JUDGMENT

### Employment Tribunals Rules of Procedure 2013 – Rule 21

The time for presenting a response having expired and no valid response having been presented by the respondent, it is the judgment of the tribunal that:

#### 1. Miss K Smith.

1. The first claimant's claim for a redundancy payment is well founded and succeeds, and the respondent is ordered to pay her a redundancy payment of 16.5 x £232.50 = **£3,836.25** .

2. The first claimant's complaint of breach of contract is well-founded and succeeds. The respondent is ordered to pay the claimant her notice pay, 12 weeks pay, in the net sum of **£2,628.12** (12 x net weekly pay of £219.01), as damages for breach of contract. This is a net sum, to be paid to the first claimant net, and the respondent shall account for any tax and national insurance contributions due thereon.

3. The first claimant's complaint of unauthorised deduction from wages is well-founded and succeeds. The respondent unlawfully deducted £109.00 by way of non – payment for hours worked between 2 January 2017 and 6 January 2017. The respondent is ordered to pay the claimant the said total sum of **£109.00**, subject to the appropriate deductions for tax and national insurance.

4. The first claimant's complaint of failure to pay to the claimant an amount due to the claimant under regulation 14 (2) or regulation 16 (1) of the Working Time Regulations 1998 is well-founded, and the respondent shall pay to the claimant the sum of **£23.25** (2.5 hours @ £9.30 per hour) in respect of untaken but accrued holiday (holiday pay). This is a gross amount and the respondent shall be responsible for deducting any income tax and employee's national insurance, if any, relating to it.

5. The respondent failed to provide the first claimant with written particulars of the main terms and conditions of her employment as required by s.1 of the Employment Rights Act 1996, and pursuant to s.38 of the Employment Act 2002 the tribunal makes

an additional award of 4 weeks pay **£930.00** , which sum the respondent is also ordered to pay to the first claimant.

5. The respondent is ordered to pay the said sums to the second claimant, together with the tribunal fee of **£160.00** paid by the FIRST claimant.

**2. Miss L Cass.**

1. The second claimant's claim for a redundancy payment is well founded and succeeds, and the respondent is ordered to pay her a redundancy payment of 7.5 x £115.20 = **£864.00** .

2. The second claimant's complaint of breach of contract is well-founded and succeeds. The respondent is ordered to pay the claimant her notice pay, 10 weeks pay, in the sum of **£1,152.00**, as damages for breach of contract. This is a gross sum, and the respondent shall deduct and account for any tax and national insurance contributions due thereon.

3. The second claimant's complaint of failure to pay to the claimant an amount due to the claimant under regulation 14 (2) or regulation 16 (1) of the Working Time Regulations 1998 is well-founded, and the respondent shall pay to the claimant the sum of **£12.60** (1.75 hours @ £7.20 per hour) in respect of untaken but accrued holiday (holiday pay). This is a gross amount and the respondent shall be responsible for deducting any income tax and employee's national insurance, if any, relating to it.

4. The respondent failed to provide the second claimant with written particulars of the main terms and conditions of her employment as required by s.1 of the Employment Rights Act 1996, and pursuant to s.38 of the Employment Act 2002 the tribunal makes an additional award of 4 weeks pay **£460.80** , which sum the respondent is also ordered to pay to the second claimant.

5. The respondent is ordered to pay the said sums to the second claimant, together with the tribunal fee of **£160.00** paid by the second claimant.

Any hearing is cancelled.

**EMPLOYMENT JUDGE HOLMES  
JUDGMENT SIGNED BY EMPLOYMENT  
JUDGE ON 9 JUNE 2017  
JUDGMENT SENT TO THE PARTIES ON**

**20 June 2017**

**AND ENTERED IN THE REGISTER  
FOR SECRETARY OF THE TRIBUNALS**



Case Nos:2402026/2017  
& 2402672/2017

## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): 2402026/2017, 2402672/2017

Name of case(s): Ms K Smith  
Miss L Cass v Ms Louise Devlin

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 20 June 2017

"the calculation day" is: **21 June 2017**

"the stipulated rate of interest" is: 8%

MISS K MCDONAGH  
For the Employment Tribunal Office