



EMPLOYMENT TRIBUNALS

Claimant: Miss A Higgins

Respondent: Raja Care Homes Limited

Heard at: East London Hearing Centre **On:** 5 March 2018

Before: Employment Judge Brown (sitting alone)

Representation

Claimant: In Person

Respondent: Did not attend and was not represented

JUDGMENT

The judgment of the Employment Tribunal is that:

- 1. The Respondent failed to pay the Claimant the notice pay to which she was entitled.**
- 2. The Claimant is entitled to be paid a redundancy payment by the Respondent.**
- 3. The Respondent shall pay the Claimant £2,738.12 gross notice pay.**
- 4. The Respondent shall pay the Claimant redundancy pay in the sum of £4,984.68.**
- 5. The Respondent did not make unlawful deductions from the Claimant's wages.**

REASONS

1 By a claim form presented on 6 December 2017 the Claimant brought complaints of unlawful deductions from wages, unpaid notice pay and failure to pay a redundancy payment, against the Respondent, her former employer.

2 In her claim form, the Claimant stated that she had been employed by the Respondent as a night carer from 23 March 2009 until 11 September 2017 (8

complete years) and was paid £1,500 gross per month. At this hearing, she clarified that she was paid £1,500 net per month, or £1,800 gross per month. She produced a wage slip for August 2017, showing this. The Claimant gave her date of birth as 19 September 1957. She would therefore have been 41 in 1998. £1,800 gross per month equates to £21,600 gross per year and £415.39 gross per week.

3 On 15 December 2017 the Tribunal served the claim form, a Notice of Claim and a Notice of Hearing, giving notice of the final hearing to be held on 5 March 2018, by sending those documents to the Respondent, at its registered address.

4 The Notice of Claim told the Respondent that, if it wished to defend the claim, it must lodge a Response with the Tribunal by 12 January 2018.

5 The Respondent did not lodge an ET3 Response. On 25 January 2018, Dr Shams Tabraiz, one of the Respondent's Directors, emailed the Tribunal, asking that the Tribunal send him the claim form, Notice of Claim and Notice of Hearing, in a number of claims, including the Claimant's.

6 The Tribunal wrote back on 2 February 2018, saying that EJ Jones had said that the claim had been served on the Respondent by post on 15 December 2017 and that time for responding had expired. EJ Jones told the Respondent that it needed to seek advice on its position. No further correspondence has been received from the Respondent by the Tribunal. The Respondent did not attend the hearing today.

7 I considered that the Respondent had been correctly served at its registered address, but that it had not presented any Response defending the claim. The Claimant did attend the hearing today and pursued her claim.

8 I accepted what the Claimant set out in her claim form as true, save that her monthly pay was £1,500 net, not gross.

9 The Claimant also told me that she was dismissed on 11 September 2017 on the grounds of redundancy and was paid for 39 hours, at £7.50 gross per hour, for each of the next 2 weeks, in her final payslip. I accepted her evidence. $£7.50 \times 39 \times 2 = £585$ gross. She was therefore paid £585 gross for 2 weeks of her notice period. The Claimant confirmed that she was eventually paid in full for all her work before 11 September 2017, so there were no deductions from her wages before her dismissal. I accepted her evidence as true.

10 I therefore determined that the Claimant's claims for unpaid notice pay and failure to pay a redundancy payment, against the Respondent, were well founded. The Respondent did not make any unlawful deductions from wages, however.

11 By virtue of the Claimant's 8 years' employment, she was entitled to be paid 8 weeks' notice pay. $8 \times £415.39 = £3,323.12$. She received £585 gross for her notice

period. The Respondent therefore owed her the balance of £2,738.12 gross for her notice pay.

12 The Claimant was also entitled to a redundancy payment calculated as $8 \times 1.5 \times £415.39 = £4,984.68$.

13 The Respondent failed to pay the Claimant those sums

14 I order the Respondent to pay the Claimant £2,738.12 gross for her notice pay as well as a redundancy payment of £4,984.68.

Employment Judge Brown

5 March 2018