



EMPLOYMENT TRIBUNALS

Claimants: Mrs S Cotton-Smith
Mrs L Doyle

Respondent: Home Space Sustainable Accommodation CIC

Heard at: Liverpool **On:** 11 April 2018

Before: Employment Judge Grundy

REPRESENTATION:

Claimants: In person
Respondent: Not in attendance

JUDGMENT

The judgment of the Tribunal is as follows:

1. The claimants were each unfairly dismissed by reason of redundancy by the respondent.
2. The respondent shall pay to Mrs S Cotton-Smith the total sum of £9,327.25 to include a statutory redundancy payment of £1,038.
3. The respondent shall pay to the claimant Mrs L Doyle the total sum of £8,016 to include a statutory redundancy payment of £320.

REASONS

1. Both claimants make claims relating to unfair dismissal, redundancy payments, breach of contract, notice pay and holiday pay.
2. The first claimant, Mrs Cotton-Smith, was employed as an administrative part-time office manager, and Mrs L Doyle was also employed in administration.

3. The respondent is a company who assist in provision for traveller accommodation at specific sites in England and Wales. The respondent has not filed any ET3 in either of the above cases and has not been present before the Tribunal.

4. The Tribunal finds as follows in relation to this case.

5. Mrs Cotton-Smith was employed by the respondent since, on her submission to the Tribunal, December 2012, her date of birth is 15 May 1967. Mrs Doyle was employed by the respondent since November 2014, her date of birth being 12 January 1988. Both ladies' employments ended on 18 July 2017 in circumstances where the business of the respondent effectively ceased to operate at the Cheshire premises.

6. There is a timeline relating to the ending of the business operation given that one of the directors sold her share of the respondent company to another owner of accommodation parks without consultation, and it was agreed that there would be further changes to the business, and in the end the Head Office at Cheshire was cleared at the beginning of July 2017, and in effect the claimants had no premises at which to work. I also accept that another former employee showed to Miss Cotton-Smith his letter confirming redundancy in his case although neither of the two claimants before me have been given any correspondence from the respondent.

7. Pursuant to section 139(1)(a)(i) of the Employment Rights Act 1996, the employer has, in my judgment, ceased carrying on the business for the purposes of which the employees were employed. The Cheshire premises are now defunct.

8. In both cases I also find that there was no notification, no consultation and no selection exercise which ended the claimant's employment, and in both circumstances the claimants were therefore unfairly dismissed.

9. I accept both claimants have sought alternative employment. Mrs Cotton-Smith has told me that she has had four interviews this year; Mrs Doyle one last year. It is now nine months or so since their employment ended, this hearing taking place today, so I consider that 40 weeks by way of loss of earnings is an appropriate period to order in the exercise of my discretion.

10. The awards calculated are as follows. So far as Mrs Cotton-Smith is concerned, the statutory redundancy payment given her employment began in December 2012 giving her four complete years' service all over the age of 41 years of age, therefore a multiplier of 1.5, the basic pay is £173 and I accept calculated the statutory redundancy payment amounts to £1,038. I accept her evidence in relation to holiday pay. The calculation for holiday pay is 28 days at £34.62 amounting to £969.25. In respect of loss of wages the amount of loss is 40 weeks at £173 each week and that would then include any period of notice. That totals £6,920, and I have also made an award in respect of loss of statutory rights given that Mrs Cotton-Smith has lost her employment, so the total award is £9,327.25.

11. In relation to Mrs Doyle, the statutory redundancy payment is calculated at two full years' basic pay of £160 amounting to £320, her being under 41 years of age at the time of the calculation. The holiday pay calculation is £32 for 28 days calculating to £896, and again I have also in terms of loss of wages awarded 40

weeks at £160 which calculates to £6,400 and includes any period of notice. I have awarded £400 to Mrs Doyle also in respect of loss of statutory rights. The total award in her case is therefore £8,016.

12. Those are the awards that the Tribunal makes today with reasons.

Employment Judge Grundy

Date 12 April 2018

JUDGMENT AND REASONS SENT TO THE PARTIES ON
19 April 2018

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.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case numbers: 2421421/2017 & 2423418/2017

Name of cases: Mrs S Cotton-Smith v Home Space Sustainable
Mrs L Doyle Accommodation CiC
(HSSA)

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: 19 April 2018

"the calculation day" is: 20 April 2018

"the stipulated rate of interest" is: 8%

MR S ARTINGSTALL
For the Employment Tribunal Office