



# **EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case No: S/4106869/2017**

**Employment Judge: Claire McManus**

**Miss P Boyle**

**Claimant**

**Mark Carswell  
T/a Spey Bistro Bar Scot House**

**Respondent**

## **JUDGMENT**

### **Rule 21 of the Employment Tribunal Rules of Procedure 2013**

The judgment of the Employment Tribunal is that the claimant's complaints of;

- (a) Redundancy Pay
- (b) Notice Pay
- (c) Holiday Pay
- (d) Unpaid Wages

succeed and that the respondent shall pay to the claimant the total sum of Two Thousand Eight Hundred and Sixty Four Pounds and Seventy Three Pence (£2,864.73) comprising  
(a) The sum of One Thousand Five Hundred and Sixty Two Pounds and Eight Five Pence (£1,562.85) in respect of statutory redundancy pay.

(b) The sum of Eight Hundred and Eighty Four Pounds Only (£884) in respect of notice pay.

(c) The sum of Two Hundred and Twenty One Pounds Only (£221) in respect of holiday pay.

(d) The sum of One Hundred and Ninety Six Pounds and Eighty Eight Pence (£196.88) in respect of unpaid wages.

# REASONS

1. A copy of the claim form setting out the claimant's complaint was sent to the respondent on 26 February 2018.
2. In accordance with the terms of Rule 16 of the Rules to be found in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 the respondent was required to enter a response within twenty-eight days of the date on which a copy of the claim was sent to him but failed to do so.
3. On the basis of the available material the Employment Judge decided she could properly determine remedy as follows:-
  - (a) In respect of the claimant's complaint of entitlement to statutory redundancy pay, the respondent shall pay to the claimant the sum of One Thousand Five Hundred and Sixty Two Pounds and Eighty Five Pence (£1,562.85) calculated on the basis of the claimants' date of birth of 24 March 1966, her dates of employment with the respondent being from 1 May 2013 to 31 July 2017 and her average weekly hours being 34.73, paid at a gross hourly rate of £7.50 ( $34.73 \times £7.50 \times 1.5 \times 4 = £1,562.85$ ).
  - (b) In respect of the claimant's complaint of notice pay, the respondent shall pay the claimant the sum of Eight Hundred and Eighty Four Pounds Only (£884), calculated on the basis of a net weekly salary of £221 and with reference to the claimants four complete years of service with the respondent ( $£221 \times 4 = £884$ ).
  - (c) In respect of the claimant's complaint of unpaid accrued holiday pay, the respondent shall pay to the claimant the sum of Two Hundred and Twenty One Pounds (£221), being in respect of one week's net wages and on the basis of a net weekly salary of £221.
  - (d) In respect of the claimant's complaint of unpaid wages, the respondent shall pay to the claimant One Hundred and Ninety Six Pounds and Eighty Eight Pence (196.88), being in respect of 26.25 hours worked but unpaid, at the gross rate of £7.50 per hour.

Employment Judge: Claire McManus  
Date of Judgement; 07 June 2018  
Entered in register: 07 June 2018  
And copied to parties