



EMPLOYMENT TRIBUNALS

Claimants: Mrs Denise Stoker
Respondent: North East Play Limited

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The name of the respondent is amended to North East Play Limited.
2. The claimant was dismissed by the respondent by reason of redundancy and is entitled to a redundancy payment of **£2055.38p** (7.5 x £274.05p gross per week) and the respondent is ordered to pay that sum to the claimant.
3. The claims for unfair dismissal and for a protective award are dismissed on withdrawal by the claimant.
4. The claim for breach of contract (notice pay) advanced by the claimant is well-founded and the respondent is ordered to pay to the claimant the sum of **£912.38p** (5x £251.40 net per week less £344.62 benefits received during the notice period) as damages for breach of contract.
5. The claim for unpaid holiday pay is well-founded and the respondent is ordered to pay to the claimant the sum of **£1020.79** (139 hours 5 minutes at £7.83 per hour less holiday taken) in respect of unpaid holiday pay. This is a gross sum and the claimant shall account to the appropriate authorities for any income tax and employee national insurance contributions due in respect of such sum on receipt.
6. The claim for unpaid wages is well-founded and the respondent is ordered to pay to the claimant £274.05 in respect of unpaid wages. This is a gross sum and the claimant shall account to the appropriate authorities for any income tax and employee national insurance contributions due in respect of such sum on receipt. This sum is increased pursuant to section 38(3) of the Employment Act 2002 by two weeks' pay as I am satisfied that when these proceedings were instituted the respondent was in breach of its obligation to

the claimant pursuant to sections 1 and 4 of the Employment Rights Act 1996. Two weeks' pay equates to £548.10 and the amount ordered to be paid to the claimant in respect of unpaid wages is increased to **£822.15p**.

7.The total sum due to the claimant from the respondent of **£4810.70** is payable forthwith.

Employment Judge A M Buchanan

Date: 27 February 2019