



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs MA Khan

**Respondent:** The Quilliam Foundation Ltd

**At:** Central London Employment Tribunal

**Before:** Employment Judge E Burns

## DEFAULT JUDGMENT UNDER RULE 21

### JUDGMENT

- (1) The respondent has failed to file an ET3 Grounds of Resistance in this case.
- (2) Having considered the ET1, EJ E Burns has decided that a determination of the claim can properly be made without a hearing and the Judgment of the Tribunal, made under rule 21 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, is as set out below.
- (3) The claimant's claims for unpaid wages, notice pay, holiday pay, a redundancy payment and unfair dismissal succeed.
- (4) The respondent must pay the claimant £20,047.72

### REASONS

1. The claimant was employed by the respondent as a Media Strategist and Researcher. She commenced employment on 14 August 2017 under a contract dated 17 August 2017.
2. The contract confirms the following;

- 2.1. The claimant was a permanent employee of the respondent.
- 2.2. Her employment could be brought to an end by the respondent by giving her 4 weeks' notice.
- 2.3. The claimant was based at home.
- 2.4. She was entitled to 25 days holidays. The contract does not say that this was in addition to bank holidays. I note this is less than the statutory entitlement under the Working Time Regulations of 28 days and therefore her annual entitlement should be 28 days. The contract does not give details of the leave year. By default, this should be from 1 January to 31 December.
3. The claimant's gross salary during 2019 was £29,000. This is evidenced by her February 2019 payslip. Her gross monthly rate of pay was £2,416.67. Her gross weekly rate of pay was £557.69 and her gross daily rate of pay was £111.54.
4. On 28 March 2019, the respondent informed the claimant that it was unable to pay her as it had run out of funds.
5. The claimant continued to work, but was not paid. She did not take any holiday between 1 January 2019 and the end of her employment.
6. The claimant wrote to the respondent and asked to be made redundant in August. The respondent did not reply. The respondent locked the claimant out of her work email on 9 September 2019.
7. The claimant was aged 26 on 9 September 2019.
8. I find that the respondent's act of locking the claimant out of her email amounted to a dismissal. I am satisfied that the respondent had a fair reason for dismissal, namely redundancy. However, it failed to follow any procedure and therefore the claimant's dismissal is procedurally unfair.
9. The claimant has not found employment following her unfair dismissal.
10. In my judgment, had the respondent followed a fair procedure, the claimant would have been dismissed fairly for redundancy within a month of the 9 September 2019.
11. The claimant is entitled to the following:
  - 11.1. unpaid wages from 1 April to 9 September 2019 - £12,752.59
  - 11.2. 4 weeks' notice pay – 4 x £557.69 - £2,230.76
  - 11.3. holiday pay – 19 days @ £111.54 - £2,119.26
  - 11.4. a statutory redundancy payment – 1 x 2 x £525 (weekly capped pay) - £1,050

12. The claimant is not entitled to a basic award for unfair dismissal as well as a statutory redundancy payment.
13. I award a compensatory award of 1 months' net pay as the remedy for the unfair dismissal claim i.e. £1,895.11.

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**Employment Judge E Burns**  
**23 March 2020**

Sent to the parties on:

23/3/20.....

For the Tribunal:

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