



EMPLOYMENT TRIBUNALS

Claimant

Mrs C Graves

Respondent

The Seven Stars

v

Heard at: Norwich (by telephone)

On: 24 April 2020

Before: Employment Judge Cassel

Appearances

For the Claimant: In person

For the Respondent: No representation.

JUDGMENT

1. The respondent is to pay to the claimant the sum of £292.50 gross and to account to the claimant and to HMRC for any tax and national insurance deductible from that sum.

REASONS

1. In her claim form to the tribunal, the claimant, Mrs Charlotte Graves, claims notice pay following the termination of employment with the respondent on 12 September 2019.
2. In the response form, the respondent resists the claim, on the grounds that the claimant's employment was terminated by reason of gross misconduct and that she is thus not entitled to one weeks' notice pay. In the alternative it disputes the sum owing which it claims should be based on 25 hours and not 32.5 hours as claimed by her.
3. A notice of hearing was sent to the parties but in view of the health emergency the hearing date was vacated and notification was sent to both parties informing them that the hearing would be converted to a remote hearing requesting contact numbers to enable a telephone hearing to proceed. The claimant provided her phone number and was thus able to take part in the telephone hearing today. The respondent did not reply to the notice that was sent and failed to provide a phone number at which contact could be made. I was sent a file of papers by the administrative staff at Watford ROET and in addition a copy of the notice that was received by the claimant which was sent to me by her by email. I

understand that the proprietors of the respondent reside on the premises to which the notice was sent and I am satisfied that the notice was sent. Having considered the tribunal rules of procedure particularly rule 2, overriding objective, rule 47 when a party fails to attend that the proceedings should proceed and that it is in the interests of justice to proceed bearing in mind the provisions of rule 46, hearings by electronic communication.

4. The hearing proceeded today on the papers and hearing from the claimant which has not been objected to by the parties. The form of remote hearing was by telephone. A face-to-face hearing was not held because during the health emergency it was not practicable and I was satisfied that all issues could be determined in a remote hearing.
5. The claimant confirmed the truth of those matters that were recorded in her claim form she explained that she had provided notice in written form which was by handwriting, giving notice that her employment should end on 6 October and not as earlier claimed. The notice was handed to Ms Julie Baker who is the joint owner of the respondent who in the words of the claimant hugged her and expressed pleasure that the claimant had found alternative work as a hairdresser for which she had trained.
6. She explained that she had booked holiday for 12 to 16 September and spoke to the other co-owner, Mr Ken Culpeck, who in terms made it clear that she was not required to work her notice period although no written communication from the respondent was received.
7. She disputed that she had been summarily dismissed. There had been no hearing and no specific allegations of misconduct had been put to her.
8. She clarified that her notice pay was based on those hours for which she had been booked during her weeks' notice and I find that that amounted to 32.5 hours and her rate of pay of £9 per hour which makes a total of £292.50. That is the sum I order the respondent to pay to the claimant for breach of her contract. That sum is a gross payment from which tax and national insurance is deductible and for which the respondent must account to both the claimant and HMRC.

Employment Judge Cassel

Date: 25 March 2020

Sent to the parties on: ...04/06/2020

...J Marlowe
For the Tribunal Office