



# EMPLOYMENT TRIBUNALS

**Claimants:** Mrs L Smith  
Mrs C Friend

**Respondent:** Tony Shanley  
(in his capacity as executor of the estate of Catherine Shanley)

## JUDGMENT

### Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The claimants were dismissed in breach of contract in respect of notice and the respondent is ordered to pay damages to the claimants in the following sums: Mrs Smith £4466.76 and Mrs Friend £1437.24.
3. The claimants were dismissed by reason of redundancy and are entitled to the following redundancy payments: Mrs Smith £12081.42 and Mrs Friend £1437.24.
4. The respondent has made an unlawful deduction from wages by failing to pay Mrs Smith in lieu of accrued but untaken holiday on termination of employment and is ordered to pay Mrs Smith the sum of £447.46, being the gross sum unlawfully deducted.

## REASONS

1. The claimants were employed by Catherine Shanley and dismissed with effect from 31 October 2019 when Ms Shanley closed her firm. Ms Shanley died on 2 November 2019 and proceedings were brought against her estate, in the name of her executor.
2. Both claimants brought claims in respect of a statutory redundancy payment and failure to give notice of termination. Mrs Smith, in addition, brought a claim in respect of unpaid holiday pay. The respondent stated that the claims were not contested.
3. The calculation of the amounts due are as follows:

Mrs Smith

18 years' service: 5 December 2000 to 31 October 2019.

Age at effective date of termination: 60.

Gross weekly pay:  $1939 \times 12/52 = \text{£}447.46$ .

Net weekly pay:  $1613 \times 12/52 = \text{£}372.23$

*Statutory redundancy payment:*

$18 \times 1.5 \times \text{£}447.46 = \text{£}12081.42$

*Damages for failure to give notice of termination:*

$12 \times \text{£}372.23 = \text{£}4466.76$ .

*Holiday pay:*

1 week's gross pay =  $\text{£}447.46$ .

Mrs Friend

25 years' service: 1 July 1994 to 31 October 2019. Age

at effective date of termination: 75.

Gross weekly pay:  $694 \times 12/52 = \text{£}160.15$ .

Net weekly pay:  $519 \times 12/52 = \text{£}119.77$ .

*Statutory redundancy payment:*

$20 \times 1.5 \times \text{£}160.15 = \text{£}4804.50$ .

*Damages for failure to give notice of termination:*

$12 \times \text{£}119.77 = \text{£}1437.24$ .

Employment Judge Slater

Date: 16 June 2020

JUDGMENT SENT TO THE PARTIES ON

18 June 2020

AND ENTERED IN THE REGISTER

FOR THE TRIBUNAL OFFICE



***GUIDANCE NOTE***

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at

[www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426](http://www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426)

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.