



EMPLOYMENT TRIBUNALS

Claimant: Ms Kiran Shafiq

Respondent: Elle Hair & Beauty Salon (North East) Ltd

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

The judgment of the Tribunal is that:

1. The claim for a redundancy payment is well founded and succeeds. The Respondent is ordered to pay the Claimant a statutory redundancy payment of **£492.60**
2. The claim of unlawful deductions in respect of arrears of pay against the Respondent is well founded and succeeds. The Respondent is ordered to pay the Claimant the gross sum of **£394.08**.
3. The claim of wrongful dismissal (notice pay) against the Respondent is well founded and succeeds. The Respondent is ordered to pay the Claimant damages of **£492.60**.
4. The claim under regulation 30(1)(b) of failure to make a payment in lieu of leave to which the Claimant was entitled under regulation 14(2) is well founded and succeeds. The Respondent is ordered to pay the Claimant the gross sum of **£209.35**

REASONS

5. The Claimant's Claim Form was presented on 31 January 2020. The Claim Form was served on the Respondent at its registered office. No response was received.
6. Accordingly, I am required by Rule 21 of the Employment Tribunals Rules of Procedure 2013 to decide on the available material whether a determination can be made on the claims and, if so, obliged to issue a judgment which may determine liability and remedy.
7. There was insufficient information on the Claim Form to enable a judgment to be entered in respect of the claim for holiday pay. A telephone preliminary hearing was listed for 14 April 2020, which as a result of the Covid-19 pandemic had to be

conducted by telephone. There was no appearance from the Respondent at the hearing. Having obtained further information from the Claimant at the telephone hearing on 14 April 2020 I considered that I was in a position to make a determination.

8. At the hearing on 14 April 2020 I was able to establish the following:

- 8.1 The Claimant was employed by the Respondent as a beauty therapist for just over 5 years from 01 August 2014 to 24 August 2019;
- 8.2 She was paid at the rate of £8.21 an hour. The weekly rate of pay was £98.52.
- 8.3 She worked 12 hours a week and was paid monthly. She did not pay income tax or national insurance contributions as she was under the threshold for such payments;
- 8.4 The salon at which she worked, which is the Respondent's registered office, closed for business on 24 August 2019. As a result of that closure the Claimant's employment was terminated by reason of redundancy. She was 29 years old at the date of dismissal and entitled to 1 week's pay for each completed year of service (5 years). She was given no notice of termination. She was entitled to 5 weeks' notice.
- 8.5 The Claimant was also by that point owed 4 weeks' pay which was never paid to her.
- 8.6 The Claimant had also accrued holidays which she had not taken. Her former employer, Kimberley Evans, a director of the Respondent company told her in a text which she sent to the Claimant on 18 March 2020 that she was owed 27.5 hours. The Claimant has retained the text messages on her phone. That would more or less accord with the proportion of leave which had expired since the commencement of the leave year on 01 April. The Claimant worked 12 hours a week and her annual entitlement was 67.2 hours. By the date of termination of her employment, 38% of the leave year had expired and the Claimant had taken none of the annual leave which had accrued in that period. I calculate the entitlement to be 25.5 hours. She was entitled to a payment of £209.35.

Employment Judge Sweeney

14 April 2020

Sent to the parties on:

30 April 2020