



EMPLOYMENT TRIBUNALS

Claimants: Mrs L Smith
Mrs C Friend

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

CERTIFICATE OF CORRECTION

Employment Tribunals Rules of Procedure 2013

Under the provisions of Rule 69, the judgment sent to the parties on 18 June 2020, is corrected as set out in block type at paragraph 2.

Employment Judge Slater

Date: 26 August 2020

SENT TO THE PARTIES ON
28 August 2020

FOR THE TRIBUNAL OFFICE

Important note to parties:

Any dates for the filing of appeals or reviews are not changed by this certificate of correction and corrected judgment. These time limits still run from the date of the original judgment, or original judgment with reasons, when appealing.



EMPLOYMENT TRIBUNALS

Claimants: Mrs L Smith
Mrs C Friend

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

CORRECTED 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.
2. The claimants were dismissed by reason of redundancy and are entitled to the following redundancy payments: Mrs Smith £12081.42 and Mrs Friend **£4804.50**.
3. 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 of corrected judgment: 26 August 2020

JUDGMENT SENT TO THE PARTIES ON

28 August 2020
AND ENTERED IN THE REGISTER

Case Numbers: 2402526/2020 & 2402727/2020

FOR THE TRIBUNAL OFFICE



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case numbers: 2402526/2020 & 2402727/2020

Name of cases:	Mrs L Smith	v	Tony Shanley (in his
	Mrs C friend		capacity as executor of the
			estate of Catherine
			Shanley)

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 18 June 2020

"the calculation day" is: 19 June 2020

"the stipulated rate of interest" is: **8%**

MR S ARTINGSTALL
For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

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-guidet426

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.