



# EMPLOYMENT TRIBUNALS

**Claimants:** Miss R Crocker & Miss N Cornish

**Respondent:** Heidi Louise Morgan t/a Curae Home Care

**Heard at:** Bristol (by phone)                      **On:** 20 April 2020

**Before:** Employment Judge Christensen

## Representation

**Claimant:** Miss Crocker represented herself. Miss Cornish did not appear.

**Respondent:** has not entered an appearance and did not appear

# JUDGMENT

1. Miss Crocker's claim for breach of contract succeeds and the respondent is ordered to pay the Ms Crocker 2 weeks pay in the net sum of £322.
2. Miss Crocker's claim for accrued but unpaid holiday pay succeeds, and the respondent is ordered to pay Miss Crocker 5.6 weeks holiday pay in the gross sum of £956.60.
3. Miss Crocker's claim for redundancy pay succeeds and the claimant is entitled to receive the sum of £342.
4. No judgement is issued in respect of Miss Cornish as I have insufficient information to enable me to do so.

# REASONS

1. These claims are part of a series of 9 linked claims. The respondent has not entered a response in relation to any of the claims. The claims brought by Miss Crocker and Miss Cornish had been listed to be determined at a hearing in Bodmin on 20 April. They were both requested to provide further information to the tribunal regarding their claims on 2 March 2020. The face to face hearing has been converted to a telephone hearing in public in accordance with the Employment Tribunal Rules. It was conducted in that manner because a face to face hearing was not possible in light of restrictions imposed by the health Protection (Coronavirus Restriction) (England) Regulations 2020 and it was in accordance with the overriding objective to do so.
2. I put Miss Crocker under oath and questioned her to understand what her claim was worth. She has brought claims for redundancy pay, holiday pay and notice pay.
3. The claimant commenced employment on 17 January 2017 and was dismissed

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on 4 October 2019 when the business ceased trading. The claimant was subject to a TUPE transfer from Morwenna Care to the respondent on or around 14 October 2017. The claimant has told me and I find that an employment tribunal found that the transfer at this time amounted to a TUPE transfer. The claimant accordingly has the requisite two years service.

4. The claimant had been on maternity leave from January 2019 and gave birth to her baby on 17 February 2019. The claimant was due to return to work in October 2019 but was contacted by the deputy manager on 4 October 2019 to tell her that the company had ceased trading. She was dismissed without notice.
5. The claimant's net weekly pay was £161 and her gross weekly pay was £171.
6. The claimant had not taken any holiday in the 12 month period prior to her dismissal and I am therefore satisfied that she is entitled to receive 5.6 weeks holiday pay. The claimant was uncertain when her holiday year started.
7. I find that the claimant is entitled to redundancy pay of £342:  $2 \times £171$  (gross).
8. I find that the claimant is entitled to two weeks statutory notice pay of £322:  $2 \times £161$  (net).
9. I find that the claimant is entitled to 5.6 weeks holiday pay of £956.60:  $5.6 \times £171$  (gross).

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Employment Judge Christensen

20 April 2020