



EMPLOYMENT TRIBUNALS (SCOTLAND)

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Case No: 4107375/2020

Heard in Glasgow on the 1st October 2021

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Employment Judge L Wiseman

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Ms P Carr

**Claimant
In Person**

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The Alteration Co Ltd

**Respondent
Not Present**

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

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The tribunal decided:

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- (i) The claimant was dismissed for reasons of redundancy and the respondent shall pay to the claimant a redundancy payment in the sum of £5419.
- (ii) The respondent shall pay to the claimant the sum of £2919 in respect of 10 weeks' notice of termination of employment and
- (iii) the respondent shall pay to the claimant the sum of £584 in respect of annual leave accrued but not taken as at the termination of her employment.

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REASONS

1. The claimant presented a claim to the Employment Tribunal on the 20 November 2020, seeking payment of redundancy, notice and holiday pay.
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2. The respondent did not enter a response and did not attend the telephone conference call to discuss arrangements for this hearing.
3. I heard evidence from the claimant and I was referred to a number of
10 documents. I made the following material findings of fact.
4. The claimant was employed by the respondent from the 1 May 2009 until the 25 September 2020.
- 15 5. The claimant earned a gross weekly pay of £328.40, giving a net weekly pay of £291.90.
6. The claimant received a letter from Mr David McDougall, Director, dated 24 September 2020 confirming the company would cease trading on the 30
20 September 2020. The claimant was informed her services were no longer required and that her employment would terminate on the 25 September. The letter explained the company was in severe financial difficulty and had no option but to close.
- 25 7. The claimant sought a redundancy payment and payment of notice of termination of employment. The claimant accepted she had been given one weeks' notice of termination of employment.
8. The claimant also sought payment of holiday pay which had accrued but was
30 not paid as at the termination of employment. The claimant had one week of annual leave in the period 1 January 2020 to 25 September 2020, together with six days public holiday. The claimant's entitlement to annual leave was 4 weeks plus public holidays.

Decision

9. I was satisfied the claimant's employment came to an end for reasons of redundancy. The claimant is entitled to a redundancy payment which I calculate to be £5419 (being 16.5 weeks x £328.40 gross per week).
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10. I was also satisfied the claimant was entitled to receive 11 weeks' notice of termination of employment. The claimant accepted she had received one week's notice. I accordingly decided the claimant was entitled to receive payment in respect of 10 weeks' notice of termination of employment. I calculate this to be £2919 (being 10 x £291.90 net per week).
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11. The claimant is entitled to be paid for holidays accrued and outstanding as at the termination of employment. The claimant's holiday year was the calendar year, and she was entitled to four weeks holiday per annum plus public holidays. The claimant accepted that in the period 1 January 2020 to 25 September 2020, had one weeks' holiday (and the relevant public holidays).
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12. I calculated the claimant had, by the end of September 2020, accrued an entitlement to three weeks' annual leave (because the claimant's employment terminated after nine months of the 2020 leave year). The claimant had taken one week of that annual leave and I therefore calculated she was entitled to two weeks' pay in respect of annual leave accrued and outstanding as at the termination of employment. I calculate that sum to be £584 (being 2 x £291.90 net per week).
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Employment Judge: Lucy Wiseman
30 Date of Judgment: 01 October 2021
Entered in register: 05 October 2021
and copied to parties