



EMPLOYMENT TRIBUNALS

Claimant: Mr R Fletcher

Respondent: Northern Delta Groundworks Ltd (In Voluntary Liquidation)

JUDGMENT

The judgment of the Tribunal is that:

1. The claim for a statutory redundancy payment under section 163 Employment Rights Act 1996 is well founded and succeeds.
2. The claim for unpaid, accrued holiday outstanding on termination of employment, under regulation 30 Working Time Regulations 1996 is well founded and succeeds.
3. The claim for wrongful dismissal (notice pay) is well founded and succeeds.
4. The Respondent is ordered to pay the Claimant:
 - **£2,281** by way of statutory redundancy payment;
 - **£2,872** by way of unpaid accrued holiday pay;
 - **£1,233** by way of damages for wrongful dismissal;
5. The total amount payable to the Claimant is **£6,386**.

REASONS

6. The Claimant presented a Claim Form on 21 September 2021 in which he brings three complaints:
 - a. A claim for payment of a statutory redundancy payment;
 - b. A claim for payment of of notice pay;
 - c. A claim for payment of outstanding accrued holiday
7. The proceedings were served on the Respondent on 29 September 2021 with a response date of 27 October 2021. It transpired that the Respondent had entered into creditors voluntary liquidation on 29 September 2021. No response was returned. Therefore, in accordance with rule 21 of the

Case No: 2501518/2021

Tribunal Rules of Procedure an Employment Judge must decide whether on the available material a determination can properly be made of the claim or part of it, and to the extent that a determination can be made, the Employment Judge must issue a judgment.

8. The Claimant was employed as a Groundworker from 26 June 2018 to 02 July 2021. At the date of termination of employment he earned £507 a week gross, equating to £411 net. He had been employed for a period of 3 continuous years, in respect of all of which he was aged over 41.
9. The Claimant received no prior notice of the redundancy. His employment was terminated summarily by WhatsApp message on 02 July 2021. He was entitled to 3 weeks' notice.
10. At the date of dismissal, he had accrued 6 weeks annual leave, much of which was carried over from the previous holiday year, during which it was not reasonably practicable for him to take annual leave as a result of the effects of coronavirus, which included the respondent not paying him in respect of annual leave entitlement. He was paid £170 towards outstanding holiday pay at the end of his employment.
11. I am satisfied that there is sufficient information on which I could issue a judgment in the Claimant's favour.

Statutory redundancy

12. This is calculated as: $£507 \times 1.5 \times 3 = \mathbf{£2,281}$

Holiday pay

13. This is calculated as $£507 \times 6 = \mathbf{££3,042}$, less $£170 = \mathbf{£2,872}$.

Notice Pay

14. This is calculated according to net weekly pay as: $£411 \times 3 = \mathbf{£1,233}$.

Employment Judge Sweeney

23 November 2021