



# EMPLOYMENT TRIBUNALS

**Claimant:** Samantha Belcher

**Respondent:** Crown and Country Leisure Limited

## 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 unauthorised deduction of wages under section 23 Employment Rights Act 1996 is well founded and succeeds.
4. The claim for wrongful dismissal (notice pay) is well founded and succeeds.
5. The Respondent is ordered to pay the Claimant:
  - **£4,950** by way of statutory redundancy payment;
  - **£811.80** by way of unpaid accrued holiday pay;
  - **£3,698.80** by way of unauthorised deduction of wages;
  - **£3,258** by way of damages for wrongful dismissal;
6. The total amount payable to the Claimant is **£12,718.60**.

## REASONS

7. The Claimant presented a Claim Form on 23 September 2021 in which she brought the following complaints:
  - a. A claim for payment of a statutory redundancy payment;
  - b. A claim for unauthorised deduction of wages in respect of furlough pay
  - c. A claim for payment of notice pay;

d. A claim for payment of outstanding accrued holiday

8. The proceedings were served on the Respondent on 29 September 2021 with a response date of 27 October 2021. No response was returned. Therefore, in accordance with rule 21 of the 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.
9. The Claimant was employed as a Cleaner from 09 May 2004 to 25 June 2021. At the date of termination of employment she earned £300 a week gross, equating to £271.50 net. She had been employed for a period of 3 continuous years. She was aged 38 at the date of dismissal. Based on her age, length of continuous employment and gross weekly pay, her statutory redundancy entitlement was £4,950.
10. The Respondent had failed to pay the Claimant furlough pay from 22 March 2020. Each week her pay should have included the outstanding furlough pay owed to her but did not. This failure to pay continued to the date of termination by which date the Claimant was owed 14 weeks furlough pay at the rate of £264.20.
11. The Claimant received no notice of dismissal. She was entitled to 12 weeks' notice at the rate of her net weekly pay of £271.50, the total being £3,258.
12. At the date of dismissal, she had accrued 90 hours annual leave at the rate of £9.02 per hour; a total of £811.80 was owed to her.
13. I am satisfied that there is sufficient information on which I could issue a judgment in the Claimant's favour.

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Employment Judge Sweeney

22 November 2021