



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr. Evans (1)

v

**The Estate of Geoffrey
Holland (deceased)**

Miss. Firkins (2)

Miss. Galbraith (3)

Miss. Steele (4)

Heard at: Birmingham via CVP On: 15 December 2021

Before: Employment Judge Wedderspoon

Representation:

Claimants: In Person

Respondents: Mr. Simon Holland, son of the deceased

JUDGMENT

1. The first named claimant (Mr. Evans) is awarded a redundancy sum of £3,634.61.
2. The second named claimant (Miss. Firkins) is awarded a redundancy sum of £228.
3. The third named claimant (Miss. Galbraith) is awarded a redundancy sum of £2,163.29.
4. The fourth named claimant (Miss. Steele) is awarded a redundancy sum of £3,175.25.
5. The claims for breach of contract are dismissed.
6. Mr. Simon Holland is removed as a respondent.

REASONS

1. All four claimants pursued redundancy payments and breach of contract claims against their former employer, a sole trader, Mr. Geoffrey Holland who died on 7 May 2020. Their employment ended on 17 March 2020. A preliminary hearing took place before Employment Judge Connolly on 15 July 2021. It was identified that the claimants pursued redundancy payments and notice pay (breach of contract claims). It was further determined that a claim against a sole trader ceases on his death save where preserved by statute.
2. Pursuant to section 136 (5)(b); section 174 and section 206 of the Employment Rights Act 1996 a statutory redundancy payment may be pursued against the estate of the deceased. However, a breach of contract claim is not so preserved and ceases on death of the respondent (see section 206 (2)(f) of the Employment Rights Act 1996.

3. Mr. Simon Holland attended the Tribunal today. He is the son of the deceased and he informed the Tribunal that his father had died without a will and in significant debt; the debt amounts to about £500,000. At present no personal representatives have been appointed to administer the estate. At the preliminary hearing he had been added as a respondent in his capacity as a child of the deceased employer and an interested party. However, there was no jurisdiction for the Tribunal to make a judgment personally against him today.
4. The Tribunal has no power to appoint a personal representative pursuant to the Administration of Estate Act 1925; only the court can do this. The claimants were informed that there is a government helpline available for redundancy payments, telephone 0330 331 0020 (the redundancy payments service) but this may be limited to insolvent employers. The Employment Tribunal Awards Enforcement in Case of Death Regulations 1976 is applicable to deceased employees and not deceased employers.
5. The claimants gave evidence to the Tribunal to confirm their periods of employment with the deceased; age at date of termination and gross weekly pay. The Tribunal made awards based on this unchallenged evidence.
6. Mr. Evans was employed by the deceased from 21 April 2010 until 17 March 2020. He was aged 27 at the date of dismissal and received a gross sum of £519.23 per week. His redundancy payment is calculated and awarded at the sum of £3,634.61
7. Miss. Firkins was employed by the deceased from 24 February 2015 until 17 March 2020. She was aged 23 at the date of dismissal and received £76 gross per week. Her redundancy pay is calculated and awarded at the sum of £228.
8. Miss. Galbraith was employed by the deceased from 11 June 2014 until 17 March 2020. At the date of termination she was aged 26 years and received £480.73 gross per week. Her redundancy pay is calculated and awarded at £2,163.29.
9. Miss. Steele was employed by the deceased from 3 September 2009 until 17 March 2020. At the date of dismissal she was 47 years of age. She received a gross wage of £244.25 per week. Her redundancy payment is calculated and awarded in the sum of £3,175.25.

Employment Judge Wedderspoon

15 December 2021

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