



EMPLOYMENT TRIBUNALS

Claimants:

Miss S Grindley

v

Respondent:

Warehouse Fashions Limited
(in administration)

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – rule 47

1. The claim for breach of contract in respect of notice pay succeeds.
2. The respondent is ordered to pay the claimant the sum of £13,384. This is the gross figure due, prior to any payment from the Redundancy Payments Service. Payment of the net sum less any payment made by the Redundancy Payments Service may be made, provided tax and national insurance are properly accounted for.

REASONS

1. The claimant was employed by the respondent, a national British fashion retailer which went into administration on 15 April 2020. The claimant brought an employment tribunal claim making claims for a protective award (for failure to consult) and for notice pay. The claim was stayed pending consent from the administrators of the respondent.
2. In the ET3 and grounds of resistance presented on 27 September 2021, the administrators of the respondent granted consent for the claimant's claim against the respondent to proceed. The respondent did not contest the claimant's claim for a protective award; judgment for a protective award was issued dated 28 January 2022.
3. The claimant's notice pay claim was considered at a hearing by video on 18 July 2022. The claimant did not attend and was not represented. The tribunal accepts the information provided in the claimant's claim form (ET1) that she was entitled to 12 weeks notice and that she was not given notice or pay in lieu of notice. The tribunal accepts the information given in the claimant's claim form that her gross monthly salary was £4,833. Pay for 12 weeks notice would be £13,384 (calculated as £4,833 x 12 months divided by 52 weeks x 12 weeks). This is the gross figure and does not give credit for any sums in

respect of notice paid to the claimant by the Redundancy Payments Service. Accordingly, the debt to the claimant may be satisfied by payment of the net figure, provided tax and national insurance are properly accounted for, less any sum paid to the claimant in respect of notice by the Redundancy Payments Service.

Employment Judge Hawksworth

Date: 2 August 2022

Sent to the parties on: 4 August 2022

For the Tribunal Office

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