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# THE EMPLOYMENT TRIBUNAL

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BETWEEN

Claimants

and

Respondents

(1) Ms C Barnsley  
(2) Ms N Derrick  
(3) Ms S Hanna  
(4) Ms K Hopkin  
(5) Ms L Pattenden  
(6) Ms C Smith  
(7) Ms N Vousden  
(8) Ms R Wardle  
(9) Ms J Welch  
(10) Ms C Tolhurst  
(11) Ms M Russell

(1) Group Momentum (Salons) Limited  
(2) Graham Webb (Salons) Limited  
(3) Simon Watts

Held at London South (By CVP Video)

On 26 and 27 September 2022

BEFORE: Employment Judge Siddall

## Representation

For the Fifth Claimant: Ms J Linford

All other Claimants: In person

For the Respondents: No appearance and no representation

## **CORRECTED JUDGMENT**

The decision of the tribunal is that:

1. **The name of the First Respondent is corrected to Group Momentum (Salons) Limited**
2. The claims for a statutory redundancy payment, for unlawful deductions from wages, for holiday pay and notice pay brought against the First Respondent succeed.
3. The claims for constructive unfair dismissal brought by the First, Third, Fifth, Sixth, Ninth, Tenth and Eleventh Claimants against the First Respondent are well founded and they succeed.
4. The Claims against the Second Respondent are all dismissed. The Claimants were all employed by the First Respondent and there is no evidence that their employment was transferred to the Second Respondent under the Transfer of Undertakings (Protection of Employment) Regulations 2006.
5. The Claims against the Third Respondent are dismissed upon withdrawal.
6. AND the Claimants are awarded the following sums, all payable by the First Respondent:

### **The First Claimant – Ms C Barnsley**

7. The Claimant is awarded a statutory redundancy payment of £3776
8. The First Respondent made unlawful deductions from the wages of the Claimant for the period from 17 September to 15 October 2020 (the purported 'lay off' period) and she is awarded the sum of £1682.20 net.
9. The Claimant is awarded the sum of £1364.88 net in relation to pay for annual leave that had accrued as at the date of termination of her employment but which had not been taken.
10. The Claimant is entitled to damages for breach of contract and she is awarded twelve weeks pay in lieu of notice in the sum of £4580.50 net.
11. The Claimant is awarded a compensatory award in relation to her claim for unfair dismissal of £28,889.60 net.
12. The total sum awarded to the Claimant is **£40,293.18**.
13. The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 apply to this award.
14. The amount of the prescribed element is £28,889.60.
15. The dates of the period to which the prescribed element is attributable is 22 October 2020 to 27 September 2022.
16. The amount by which the monetary award exceeds the prescribed element is £11,403.58.

### **The Second Claimant – Ms N Derrick**

17. The Claimant is awarded a statutory redundancy payment of £2014.32
18. The First Respondent made unlawful deductions from the wages of the Claimant for the period from 17 September to 15 October 2020 (the purported 'lay off' period) and she is awarded the sum of £1342.88 net.
19. The Claimant is awarded the sum of £1953.28 net in relation to pay for annual leave that had accrued as at the date of termination of her employment but which had not been taken.

20. The Claimant is entitled to damages for breach of contract and she is awarded twelve weeks pay in lieu of notice in the sum of £2350.04 net.
21. The total sum awarded to the Claimant is **£7660.50**.

**The Third Claimant – Ms S Hanna**

22. The Claimant is awarded a statutory redundancy payment of £13,998
23. The First Respondent made unlawful deductions from the wages of the Claimant for the period from 17 September to 15 October 2020 (the purported 'lay off' period) and she is awarded the sum of £2274.95 net.
24. The Claimant is awarded the sum of £2313.12 net in relation to pay for annual leave that had accrued as at the date of termination of her employment but which had not been taken.
25. The Claimant is entitled to damages for breach of contract and she is awarded twelve weeks pay in lieu of notice in the sum of £5459.88 net.
26. The Claimant is awarded a compensatory award in relation to her claim for unfair dismissal of £29,680.04 net.
27. The total sum awarded to the Claimant is **£53,725.99**.

**The Fourth Claimant – Ms K Hopkin**

28. The Claimant is awarded a statutory redundancy payment of £13,730.
29. The First Respondent made unlawful deductions from the wages of the Claimant for the period from 17 September to 15 October 2020 (the purported 'lay off' period) and she is awarded the sum of £2152 net.
30. The Claimant is awarded the sum of £1600 net in relation to pay for annual leave that had accrued as at the date of termination of her employment but which had not been taken.
31. The Claimant is entitled to damages for breach of contract and she is awarded ten weeks pay in lieu of notice in the sum of £7324 net.
32. The total sum awarded to the Claimant is **£24,806**.

**The Fifth Claimant – Ms L Pattenden**

33. The Claimant is awarded a statutory redundancy payment of £11000.
34. The Claimant is not claiming wages for the 'lay off' period.
35. The Claimant is awarded the sum of £1859.55 net in relation to pay for annual leave that had accrued as at the date of termination of her employment but which had not been taken.
36. The Claimant is entitled to damages for breach of contract and she is awarded twelve weeks pay in lieu of notice in the sum of £4057.08 net.
37. The Claimant is awarded a compensatory award in relation to her claim for unfair dismissal of £20,984.90 net.
38. The total sum awarded to the Claimant is **£37,901.53**.
39. The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 apply to this award.
40. The amount of the prescribed element is £20,984.90.
41. The dates of the period to which the prescribed element is attributable is 22 October 2020 to 27 September 2022.
42. The amount by which the monetary award exceeds the prescribed element is £16,916.63.

**The Sixth Claimant – Ms C Smith**

43. The Claimant is awarded a statutory redundancy payment of £4491.10
44. The First Respondent made unlawful deductions from the wages of the Claimant for the period from 17 September to 15 October 2020 (the purported 'lay off' period) and she is awarded the sum of £1765.42 net.
45. The Claimant is awarded the sum of £1273.80 net in relation to pay for annual leave that had accrued as at the date of termination of her employment but which had not been taken.
46. The Claimant is entitled to damages for breach of contract and she is awarded twelve weeks pay in lieu of notice in the sum of £4837.32 net.
47. The Claimant is awarded a compensatory award in relation to her claim for unfair dismissal of £16,855.58 net.
48. The total sum awarded to the Claimant is **£29,233.22**.
49. The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 apply to this award.
50. The amount of the prescribed element is £16,855.58.
51. The dates of the period to which the prescribed element is attributable is 22 October 2020 to 27 September 2022.
52. The amount by which the monetary award exceeds the prescribed element is £12,367.64.

**The Seventh Claimant – Ms N Vousden**

53. The Claimant is awarded a statutory redundancy payment of £1116.16
54. The First Respondent made unlawful deductions from the wages of the Claimant for the period from 17 September to 15 October 2020 (the purported 'lay off' period) and she is awarded the sum of £558.08 net.
55. The Claimant is awarded the sum of £1953.28 net in relation to pay for annual leave that had accrued as at the date of termination of her employment but which had not been taken.
56. The Claimant is entitled to damages for breach of contract and she is awarded twelve weeks pay in lieu of notice in the sum of £1534.72 net.
57. The total sum awarded to the Claimant is **£5,162.24**.

**The Eighth Claimant – Ms R Wardle**

58. The Claimant is awarded a statutory redundancy payment of £12,912
59. The First Respondent made unlawful deductions from the wages of the Claimant for the period from 17 September to 15 October 2020 (the purported 'lay off' period) and she is awarded the sum of £1053.22 net.
60. The Claimant is awarded the sum of £1147.50 net in relation to pay for annual leave that had accrued as at the date of termination of her employment but which had not been taken.
61. The Claimant is entitled to damages for breach of contract and she is awarded twelve week's pay in lieu of notice in the sum of £2916 net.
62. The total sum awarded to the Claimant is **£18,028.72**.

**The Ninth Claimant – Ms J Welch**

63. The Claimant is awarded a statutory redundancy payment of £1883.52
64. The First Respondent made unlawful deductions from the wages of the Claimant for the period from 17 September to 15 October 2020 (the purported 'lay off' period) and she is awarded the sum of £605 net.
65. The Claimant is awarded the sum of £558.08 net in relation to pay for annual leave that had accrued as at the date of termination of her employment but which had not been taken.
66. The Claimant is entitled to damages for breach of contract and she is awarded twelve weeks pay in lieu of notice in the sum of £1674.24 net.
67. The Claimant is awarded a compensatory award in relation to her claim for unfair dismissal of £837.12 net.
68. The total sum awarded to the Claimant is **£5,557.96**.

**The Tenth Claimant – Ms C Tolhurst**

69. The Claimant is awarded a statutory redundancy payment of £4000
70. The Claimant is not claiming unlawful deductions from her wages.
71. The Claimant is awarded the sum of £3131.50 net in relation to pay for annual leave that had accrued as at the date of termination of her employment but which had not been taken.
72. The Claimant is entitled to damages for breach of contract and she is awarded twelve weeks pay in lieu of notice in the sum of £4080 net.
73. The Claimant is awarded a compensatory award in relation to her claim for unfair dismissal of £12,487 net.
74. The total sum awarded to the Claimant is **£23,698.50**.
75. The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 apply to this award.
76. The amount of the prescribed element is £12,487.
77. The dates of the period to which the prescribed element is attributable is 30 September 2021 to 27 September 2022.
78. The amount by which the monetary award exceeds the prescribed element is £11,211.50.

**The Eleventh Claimant - Ms M Russell**

79. The Claimant is awarded a statutory redundancy payment of £9638
80. The First Respondent made unlawful deductions from the wages of the Claimant for the period from 17 September to 15 October 2020 (the purported 'lay off' period) and she is awarded the sum of £1206.36 net.
81. The Claimant is awarded the sum of £2159.34 net in relation to pay for annual leave that had accrued as at the date of termination of her employment but which had not been taken.
82. The Claimant is entitled to damages for breach of contract and she is awarded twelve weeks pay in lieu of notice in the sum of £3,979.08 net.
83. The Claimant is awarded a compensatory award in relation to her claim for unfair dismissal of £15,955.89 net.
84. The total sum awarded to the Claimant is **£32,938.67**.
85. The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 apply to this award.
86. The amount of the prescribed element is £15,955.89.
87. The dates of the period to which the prescribed element is attributable is 22 October 2020 to 27 September 2022.
88. The amount by which the monetary award exceeds the prescribed element is £16,982.78.

AND the total sum payable by the First Respondent to the Claimants is **£240,406.51 net**

Employment Judge Siddall  
Date: 12 October 2022

**SCHEDULE OF CLAIMS**

<b>CLAIM NUMBER</b>	<b>DATE CLAIM PRESENTED</b>	<b>CLAIMANT FULL NAME (SURNAME, FIRST NAME)</b>
2307651/20	19/11/20	Barnsley, Chelsey
2307727/20	23/11/20	Derrick, Natalie
2305545/21	17/11/21	Derrick, Natalie
2305604/21	22/11/21	Derrick, Natalie
2307598/20	15/11/20	Hanna, Sarah

**Case Number: 2307561/20 and  
others – see Schedule of Claims**

2307753/20	24/11/20	Hopkin, Kyla
2307548/20	13/11/20	Pattenden, Lisa

2307877/20	30/11/20	Russell, Michelle
2300129/21	11/01/21	Russell, Michelle
2307842/20	28/11/20	Smith, Chelsie
2307497/20	09/11/20	Smith, Chelsie
2308205/20	11/12/20	Smith, Chelsie

2305630/21	24/11/21	Tolhurst, Clara
2307605/20	16/11/21	Vousden, Natalie
2305603/21	22/11/21	Vousden, Natalie
2307844/20	28/11/20	Wardle, Rebecca
2307495/20	09/11/20	Wardle, Rebecca
2308206/20	11/12/20	Wardle, Rebecca
2307843/20	28/11/20	Welch, Jenny
2307496/20	09/11/20	Welch, Jenny

2308204/20	11/12/20	Welch, Jenny
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