



EMPLOYMENT TRIBUNALS

Claimant: Ms M Wilson & others (see schedule)

Respondent: Elliot House Limited

Heard at: London South Employment Tribunal

On: 9 September 2022

Before: Employment Judge Dyal

Representation:

Claimant: Ms Elaine Sherratt, Solicitor, and Tony Pullen, Employment Caseworker

Respondent: did not attend and was not represented

RULE 21 JUDGMENT

1. All Claimants save for Amanda Humphreys and Amy Goldsmith were unfairly dismissed contrary to ss.94 and 98 Employment Rights Act 1996;
2. All Claimants save for Amanda Humphreys and Amy Goldsmith are entitled to a statutory redundancy payment.
3. Amy Goldsmith's claim of unfair dismissal and claim for a statutory redundancy payment are dismissed upon withdrawal.
4. In breach of s.188A Trade Union and Labour Relations (Consolidation) Act 1992 the Respondent failed to arrange elections for employee representatives. All Claimants are entitled to a protective award pursuant to s.189 Trade Union and Labour Relations (Consolidation) Act 1992.
5. All Claimants were wrongfully dismissed in breach of contract and are entitled to notice pay;
6. All Claimants' claims for payment in lieu of accrued but untaken holiday pursuant to regulation 15 Working Time Regulations 1998 succeed;
7. The Respondent breached each Claimant's contract of employment by failing to make employers' pension contributions to the occupational pension scheme provider from April 2020 until the effective date of termination;
8. The Respondent made deductions from each Claimants' wages on account of employee pension contributions but in breach of each Claimant contract of

- employment failed to pass the sums deducted to the occupational pension scheme provider in the period April 2020 until the effective date of termination;
9. The Respondent made unauthorized deductions each Claimants' pay in the pay period that ended with payment on 26 November 2021.
 10. The Respondent made unauthorized deductions from wages by failing to pay Ms. Rabbits Statutory Maternity Pay.
 11. The Respondent failed to provide Ms. Rabbits with written statement of reasons for dismissal contrary to s.92(4) Employment Rights Act 1996.
 12. In breach of s.8 Employment Rights Act 1996 the Respondent failed to give each Claimant an itemised pay statement in respect of the pay period ending on 26 November 2021. The particulars that such a statement ought to have contained are to be determined.
 13. The Respondent failed to provide Ms. Goldsmith and Ms. Humphreys a statement of written particulars of employment contrary to s.1 Employment Rights Act 1996
 14. Remedy in relation to all matters to be determined.

Schedule of Claimants

Case Number	Parties Claimant -v- Respondent	
2300624/2022	Michelle Wilson	Elliott House Limited
2300625/2022	Sarah Lewis	Elliott House Limited
2300626/2022	Sarah Keam	Elliott House Limited
2300627/2022	Yvonne Yeoman	Elliott House Limited
2300628/2022	Danielle Swain	Elliott House Limited
2300629/2022	Louise Mathias	Elliott House Limited
2300630/2022	Siobhan Edwards	Elliott House Limited
2300631/2022	Sarah Cooper	Elliott House Limited
2300633/2022	Jacquelyn Gray	Elliott House Limited
2300634/2022	Jody Rabbits	Elliott House Limited
2300635/2022	Lee Harman	Elliott House Limited
2300636/2022	Louise Barber	Elliott House Limited
2300637/2022	Kirsty Street	Elliott House Limited
2300639/2022	Elkie Williams	Elliott House Limited
2300640/2022	Michael Lee	Elliott House Limited
2300641/2022	Hazel Schofield	Elliott House Limited
2300642/2022	Amy Goldsmith	Elliott House Limited
2300643/2022	Bonita Brazier	Elliott House Limited
2300644/2022	Donna Haughton	Elliott House Limited
2300523/2022	Amanda Humphreys	Elliott House Limited
2300524/2022	Hayleigh Goldfinch	Elliott House Limited
2300645/2022	Andrew Huttley	Elliott House Limited

Employment Judge Dyal
Date 09 September 2022