



EMPLOYMENT TRIBUNALS

Claimant: Ms Helen Wesley

Respondent: Rayhome Limited

Heard at: Manchester (by CVP) **On:** 8 December 2022

Before: Employment Judge Holmes (sitting alone)

Representatives

For the claimant: In person

For the respondent: Response not entered

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rules 21 and 37

1. The respondent has failed to present a valid response on time. The Employment Judge has decided that a determination can properly be made of the claim, in accordance with rule 21 of the Rules of Procedure.
2. The claimant was dismissed by reason of redundancy on 18 January 2022. She is entitled to a redundancy payment. At the time of her dismissal she had 17 complete years of service, under the age of 41. Her gross weekly pay was £576.92. She is therefore entitled to a redundancy payment of:

17 x £544.00 (the relevant cap) : **£9248.00**

which sum the respondent is ordered to pay to the claimant.

3. The claimant was dismissed without notice, and was entitled to 12 weeks notice. At £576.92 per week, £462.38 net, she was entitled to receive the net sum of £5548.56. During the notice period, however, she earned £1808.08, making her net loss **£3740.48**, which sum the respondent is ordered to pay the claimant as notice pay. This is a net sum, and no deductions should be made from it.
4. The respondent has made unauthorised deductions from the claimant's wages:
 - a) The respondent failed to pay the claimant for November and December 2021, and up until the date that her employment ended on 18 January 2022.

10.66 weeks at £462.38 net : **£4928.97**

This is a net sum, which the respondent is ordered to pay the claimant , with no further deductions.

- b) The respondent deducted from the claimant employee's pension contributions, but failed to account for them to the employee's pension provider, and thereby made unlawful deductions from her wages. The deductions were at the rate of £47.50 per month, over a period of 46 months.

46 x £47.50 : **£2185.00**

This is a gross sum , which the respondent is ordered to pay the claimant, but is not to be subject to any further deductions for tax and national insurance as the deductions were made from the claimant's gross wages.

5. The respondent failed to pay the claimant pay in lieu of unused holiday entitlement upon the termination of her employment, in respect of 1.4 days, at the rate of £462.38 net per week, for a 5 day week, the net sum of **£129.46**, which sum the respondent is ordered to pay to the claimant without further deduction.
6. Whilst the claimant was unfairly dismissed, as she is receiving a redundancy payment, she cannot also receive a basic award, which is calculated in the same sum. As the Tribunal is satisfied that the claimant would have been dismissed in any event , given the closure of the respondent, on 18 January 2022 , it would not be just and equitable to make any compensatory award.
7. The Tribunal's awards are accordingly:

Redundancy payment	£9248.00
Notice pay	£3740.48
Unlawful deductions a)	£4928.97
Unlawful deductions b)	£2185.00
Holiday Pay	£ 129.46
Total:	£20,231.91

Employment Judge Holmes

Date: 8 December 2022

JUDGMENT SENT TO THE PARTIES ON
9 December 2022
AND ENTERED IN THE REGISTER

FOR THE TRIBUNAL OFFICE



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2401580/2022**

Name of case: **Ms H Wesley** v **Rayhome Limited**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to proceedings to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day**, **the calculation day**, and **the stipulated rate of interest** in your case. They are as follows:

the relevant decision day in this case is: 9 December 2022

the calculation day in this case is: 10 December 2022

the stipulated rate of interest is: **8% per annum**.

Mr S Artingstall
For the Employment Tribunal Office

GUIDANCE NOTE

1. There is more information about Tribunal judgments here, which you should read with this guidance note:

www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

If you do not have access to the internet, you can ask for a paper copy by telephoning the Tribunal office dealing with the claim.

2. The payment of interest on Employment Tribunal awards is governed by The Employment Tribunals (Interest) Order 1990. Interest is payable on Employment Tribunal awards if they remain wholly or partly unpaid more than 14 days after the **relevant decision day**. Sums in the award that represent costs or expenses are excluded. Interest starts to accrue from the day immediately after the **relevant decision day**, which is called **the calculation day**.
3. The date of the **relevant decision day** in your case is set out in the Notice. If the judgment is paid in full by that date, no interest will be payable. If the judgment is not paid in full by that date, interest will start to accrue from the next day.
4. Requesting written reasons after you have received a written judgment does **not** change the date of the **relevant decision day**.
5. Interest will be calculated as simple interest accruing from day to day on any part of the sum of money awarded by the Tribunal that remains unpaid.
6. If the person paying the Tribunal award is required to pay part of it to a public authority by way of tax or National Insurance, no interest is payable on that part.
7. If the Secretary of State has claimed any part of the sum awarded by the Tribunal in a recoupment notice, no interest is payable on that part.
8. If the sum awarded is varied, either because the Tribunal reconsiders its own judgment, or following an appeal to the Employment Appeal Tribunal or a higher court, interest will still be payable from **the calculation day** but it will be payable on the new sum not the sum originally awarded.
9. The online information explains how Employment Tribunal awards are enforced. The interest element of an award is enforced in the same way.