



EMPLOYMENT TRIBUNALS

Claimant: Mrs Tracey Brown

Respondent: All Aboard Nursery (Stockport) Limited and Emma Jane Jones

Heard at: Manchester via Cloud Video
Platform

On: 19 January 2023

Before: Employment Judge Dennehy

REPRESENTATION:

Claimant: In person

Respondent: In person

JUDGMENT

The judgment of the Tribunal is that:

1. The name of the respondent is amended to All Aboard Nursery (Stockport) Limited.
2. The complaint in respect of holiday pay is well founded. The respondent made an unauthorised deduction from the claimant's pay by failing to pay the claimant accrued but untaken annual leave on termination of employment and is ordered to pay to the claimant the gross sum of **£818.62** (daily rate of pay is £74.42 x 11 days holiday).
3. The complaint in relation to unpaid wages is well founded. The respondent is ordered to pay the claimant the gross sum of **£967.42** for the month of July 2022 (monthly rate of pay is £967.42)
4. Under section 163 Employment Rights Act it is determined that the claimant is entitled to a redundancy payment in the sum of **£1,339.50** (weekly rate of pay is £223.25 x 6).

5. The Tribunal calculates the amount of payment on a gross basis, but the respondent is entitled to make any deductions which are due for tax and national insurance contributions before payment is made to the claimant.
6. Case number 2408292/2022 is dismissed.

REASONS

Case number 2408292/2022 is dismissed as it is a duplicate claim as set out in case number 2407971/2022 but the employer is identified as Emma Jane Jones. The employer is All Aboard Nursery (Stockport) Limited.

Employment Judge Dennehy

Date: 19 January 2023

JUDGMENT SENT TO THE PARTIES ON

3 February 2023

FOR THE TRIBUNAL OFFICE

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employmenttribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case numbers: **2407971/2022 & 2408292/2022**

Name of case: **Mrs T Brown** v **1. All Aboard Nursery
(Stockport) Limited
2. Emma Jane Jones**

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: 3 February 2023

the calculation day in this case is: 4 February 2023

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

For the Employment Tribunal Office