



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs J Thompson

**Respondent:** Mereworth Pre-School Playgroup CIO

**HELD AT:** Croydon

**ON:** 28 February 2023

**BEFORE:** Employment Judge Barker

## REPRESENTATION:

**Claimant:** In person

**Respondent:** Mrs Knox, former treasurer of the respondent

# CONSENT JUDGMENT

The claimant claims and the respondent accepts that the claimant is owed the sum of £1215.08, this being the shortfall in the claimant's redundancy payment following the termination of her employment on 9 September 2022. The Tribunal did not consider any evidence on this issue but hereby records the agreement reached by the parties.

# REASONS

1. The parties appeared before the Tribunal at short notice. Both parties had understood that as the claimant's claim was uncontested by the respondent that a judgment would be issued by the Tribunal, but with only a few days' notice the parties were told that the hearing today would go ahead and they should attend. As a consequence, the Tribunal did not have access to any documentation relating to the claim, other than the claim form and the response form.
2. The respondent was a charity that the Tribunal understands is in the process of being wound up by its management committee due to a lack of funds. Mrs Knox told the Tribunal that the respondent's bank accounts had been emptied and closed and that all the respondent's funds had been allocated between its former members of staff, but that there had been a shortfall in the payments to each member of staff.

3. The claimant worked for the respondent for 23 years and was aged 58 at the time of her dismissal. The parties agree that she received £1215.08 less than the agreed amount, as the shortfall in funds was split equally across the respondent's seven former staff.
4. The claimant has applied to the Insolvency Service for payment of the shortfall from the statutory fund and was informed in a letter dated 17 January 2023 that a payment could only be made from the National Insurance Fund if the Employment Tribunal records that the respondent has accepted liability for it. Mrs Knox on behalf of the respondent acknowledges that the claimant is owed £1215.08. The Tribunal has not had sight of this letter but the claimant read out what she believed were the relevant passages from it.
5. In the event that, the contents of the letter of 17 January 2023 notwithstanding, the National Insurance Fund is not able to accept that the respondent is liable on the basis of this consent judgment alone, the claimant was informed that she should apply in writing to the Tribunal to have the Secretary of State added as a party to these proceedings in order to progress her claim from the National Insurance Fund. Progressing the claimant's claim in this manner may be done without a further hearing, but the claimant is to note that should the Tribunal be required to calculate and determine the amount of her redundancy payment and any shortfall, it will require evidence from her in order to do so in the form of documents such as payslips, letters from the respondent, records of any payments received, and so on. She should keep these records safe and be ready to submit such evidence as may be required.

**Employment Judge Barker**

**Date: 28 February 2023**