



EMPLOYMENT TRIBUNALS

Claimants

(1) Mrs S Wilkins
(2) Mr G Wilkins

v

Respondent

Mr J Miall t/a Ocean Fresh

Heard at: Nottingham (via CVP)

On: 20 October 2022

Before: Employment Judge Fredericks

Appearances

For the claimants: Ms A Doble (Counsel)

For the respondent: In person

JUDGMENT

CORRECTED USING RULE 69 EMPLOYMENT TRIBUNAL RULES OF PROCEDURE 2013 ("SLIP RULE")

Upon an application from the claimants' solicitor, this judgment is corrected under the slip rule in the way identified by italic text.

The first claimant (Mrs S Wilkins)

1. By consent, the first claimant's claim for redundancy payment following her redundancy succeeds and the respondent is ordered to pay her **£3,706.56**, made up of -
 - a. 12 years x 1.5 x £142.56 = £2,566.08; and
 - b. 8 years x 1 x £142.56 = £1,140.48.
2. In breach of contract, the first claimant did not receive 12 weeks' notice before the termination of her employment and was not paid in lieu of notice, and so it is ordered that the respondent pays her 12 weeks x £142.56 = **£1,710.72**.
3. The first claimant lost statutory rights as a result of her dismissal and the respondent is ordered to pay her **£500**.

4. By consent, the first claimant is owed **£213.84** in accrued but untaken holiday pay and it is ordered that the respondent pay her that sum.
5. The respondent failed to provide the first claimant with a written statement of particulars of employment and it is considered just and equitable to award the higher amount of 4 weeks' pay in compensation, that being **£570.24**.
6. Consequently, the total amount which the respondent is ordered to pay the first claimant is **£6,701.36**.

The second claimant (Mr G Wilkins)

7. By consent, the second claimant's claim for redundancy payment following his redundancy succeeds and the respondent is ordered to pay him **£334.40**, calculated as 5 years x 0.5 x £133.76.
8. In breach of contract, the second claimant did not receive 5 weeks' notice before the termination of his employment and was not paid in lieu of notice, and so it is ordered that the respondent pays him 5 weeks x £133.76 = **£668.60**.
9. The second claimant lost statutory rights as a result of his dismissal and the respondent is ordered to pay him **£500**.
10. By consent, the second claimant is owed **£334.40** in accrued but untaken holiday pay and it is ordered that the respondent pay him that sum.
11. The respondent failed to provide the second claimant with a written statement of particulars of employment and it is considered just and equitable to award the higher amount of 4 weeks' pay in compensation, that being **£535.04**.
12. Consequently, the total amount which the respondent is ordered to pay the second claimant is **£2,372.44**.

Employment Judge Fredericks

24 March 2023