



EMPLOYMENT TRIBUNALS

Claimant: Mrs Kim Banks

Respondent: Park Hall Hotel Limited (in creditors voluntary liquidation)

Heard at: Manchester

On: 24 March 2023

Before: Tribunal Judge Abigail Holt (sitting alone)

REPRESENTATION:

Claimant: Litigant in person

Respondent: No attendance

JUDGMENT

Employment Tribunals Rules of Procedure 2013 - Rule 21

1. The respondent has failed to present a valid response on time or at all. The Employment Judge has decided that a determination can properly be made in relation to complaints of (i) statutory redundancy and (ii) unfair dismissal.
2. For completeness only, by a decision dated 4 January 2023 Employment Judge Slater found that the Claimant was entitled to a total sum of £4,343.19 for the complaints of breach of contract and unauthorised deduction from wages, also in accordance with rule 21 of the Rules of Procedure.
3. I find that the Claimant was unfairly dismissed and so the claim of unfair dismissal pursuant to s94 of the Employment Rights Act 1996 is successful. Consequently, the Claimant is entitled to compensation for unfair dismissal/redundancy in the sum of **£8,356.10** (on the basis of 17 years' service, a factor of 1.5 (age 56) and gross weekly pay of £327.69).
4. The Claimant is entitled to compensation for wrongful dismissal for a period of 12 weeks off-set by her part-time pay in the sum **of £2,438.25**. [(12 x £327.69 =) £3,932.28 - £1,494.03 = £2,438.25]

Tribunal Judge Holt sitting as an Employment Judge

24 March 2023

JUDGMENT SENT TO THE PARTIES ON
Date: 31 March 2023

FOR THE TRIBUNAL OFFICE

Notes

1. 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.
2. Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-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

Tribunal case number: **2403451/2022**

Mrs Kim Banks v Park Hall Hotel Limited (in creditors voluntary liquidation)

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 31 March 2023

"the calculation day" is: 1 April 2023

"the stipulated rate of interest" is: **8%**

Mr P Guilfoyle
For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at www.gov.uk/government/collections/employment-tribunal-forms

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.