



# EMPLOYMENT TRIBUNALS

**Claimants:** Ms M Burton  
Ms K Johnston  
Ms K Mattock  
Ms K Chamberlain  
Ms L George

**Respondent:** Kingswood Care Home Limited

**Heard at:** Midlands East Tribunal via Cloud Video Platform

**On:** 24 March 2023

**Before:** Employment Judge Brewer

## Representation

Claimants: In person  
Respondent: Mr D Barnacle, Owner/Director

# JUDGMENT

1. The claimants' claims for:
  - a. unauthorised deductions from wages, and/or
  - b. breach of contract and
  - c. statutory redundancy pay succeed.
  
2. The respondent shall pay to Ms M Burton the following:
  - a. statutory redundancy pay in the sum of £6,916.70,
  - b. unpaid wages in the sum of £4,048.80 subject to statutory deductions for tax and national insurance contributions, and
  - c. unpaid payment in lieu of notice in the sum of £378.02, subject to statutory deductions for tax and national insurance contributions.
  
3. The respondent shall pay to Ms K Johnston the following:
  - a. statutory redundancy pay in the sum of £401.82,

- b. unpaid wages in the sum of £206.84 subject to statutory deductions for tax and national insurance contributions, and
  - c. unpaid payment in lieu of notice in the sum of £401.82, subject to statutory deductions for tax and national insurance contributions.
4. The respondent shall pay to Ms K Chamberlain the following:
- a. statutory redundancy pay in the sum of £965,30,
  - b. unpaid wages in the sum of £59.44, subject to statutory deductions for tax and national insurance contributions,
  - c. unpaid payment in lieu of notice in the sum of £965.30, subject to statutory deductions for tax and national insurance contributions, and
  - d. unpaid accrued untaken holiday pay in the sum of £571.13 subject to statutory deductions for tax and national insurance contributions.
5. The respondent shall pay to Ms L George the following:
- a. unpaid wages in the sum of £216.35 subject to statutory deductions for tax and national insurance contributions, and
  - b. unpaid payment in lieu of notice in the sum of £342.76, subject to statutory deductions for tax and national insurance contributions, and
  - c. unpaid accrued untaken holiday pay in the sum of £571.13 subject to statutory deductions for tax and national insurance contributions.
6. The respondent shall pay to Ms K Mattock the following:
- a. statutory redundancy pay in the sum of £2,765.35,
  - b. unpaid wages in the sum of £434.73 subject to statutory deductions for tax and national insurance contributions, and
  - c. unpaid payment in lieu of notice in the sum of £2,765.35, subject to statutory deductions for tax and national insurance contributions.

## **REASONS**

1. These claims were brought by former employees of the respondent who were made redundant, but who did not receive appropriate payments in respect of

their contractual entitlement to all of their wages, their payments in lieu of notice, in some cases holiday pay and in all cases, statutory redundancy pay entitlements.

2. The respondent did not enter responses to any of the above claims but rather late in the day the owner and director of the respondent, Mr Barnacle, logged into the hearing and I allowed him to respond to the claims.
3. Each of the claimants took an oath and went through what they said they were owed by the respondent which, as indicated above, is a mixture of statutory redundancy pay, arrears of pay, payment in lieu of notice and in two cases unpaid holiday pay.
4. I then asked Mr Barnacle if he would like to respond, and he confirmed that he accepted that he owed the claimants the money they were seeking and also that he would be making payment shortly.
5. In those circumstances, given Mr Barnacle's concession, I gave judgment for each of the claimants, and I do not consider it necessary to set out in any further detail either the law or even the factual circumstances which gave rise to these claims.
6. As I have set out above each of the claimants' claims succeed.

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Employment Judge Brewer

Date: 24 March 2023

JUDGMENT SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE

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