



EMPLOYMENT TRIBUNALS

Claimant: Miss Samantha McNeil and others

Respondent: Primrose Court Health Care Limited

Heard at: Newcastle Employment Tribunal

On: 23rd June 2023

Before: Employment Judge McGregor

Representation

Claimants: In person via CVP.

Respondent: No attendance.

RESERVED JUDGMENT

1. The multiple claim was issued on the 4th April 2023.
2. The respondent has failed to present a valid response on time and failed to attend the final hearing at Newcastle Employment Tribunal on the 23rd June 2023. The Judge decided that a determination of the claim could be made of the claim upon the papers and upon hearing sworn evidence from the claimants. Judgment is therefore issued under rule 21 of the Employment Tribunals Rules of Procedure 2013.
3. The claimant Samantha McNeil issued a multiple claim in relation to the following claimants whose claims have been determined today:
 - Miss Samantha McNeil - case number 2500683/2023
 - Miss Elisha McNeil – case number 2500684/2023
 - Miss Sharon Robson – case number 2500685/2023
 - Miss Annmarie Rounding – case number 2500686/2023
 - Mrs Shelagh Rennard - case number 2500687/2023
 - Mr Michael Parker - case number 2500688/2023
 - Mr Nathan Francis Mottram - case number 2500689/2023
 - Miss Lisa Marshall - case number 2500690/2023
 - Miss Samantha Luker - case number 2500691/2023
 - Miss Lisa Dawn Jefferson - case number 2500692/2023
 - Ms Tracey Donaldson - case number 2500693/2023
 - Miss Pamela Burgess - case number 2500694/2023

- Miss Georgia Allan - case number 2500695/2023
 - Miss Corina Nanu - case number 2500696/2023
4. Upon hearing submissions from the claimant's spokesperson Miss Samantha McNeil that Miss Georgia Allan (case number 2500695/2023) no longer wished to pursue a claim and upon claimant Miss Allan failing to attend the hearing, the claim in relation to Miss Allan was struck out in pursuance of the overriding objective.
 5. Oral judgment was given at the hearing in respect of the respondent's liability for payments in respect of redundancy, notice pay and holiday pay.
 6. The claimant's complaints for redundancy payments under section 163 Employment Rights Act 1996 (ERA 1996) are well founded. The claimants were dismissed by reason of redundancy and the claimants are entitled to receive redundancy payments under s135(1)(a) of the ERA 1996. The respondent is hereby ordered to pay the amounts set out on paragraphs 9 - 21 below.
 7. The respondent failed to give the required notice of termination of employment under s86(1) ERA 1996 and the claimant's claims for notice pay are well founded. The respondent is hereby ordered to pay the amounts referred to in paragraphs 9 – 21 below.
 8. The claimant's complaints for holiday pay under the Working Time Regulations 1998 Reg 30(1)(b) are well founded and the respondent is ordered to pay the amounts referred to in paragraphs 9 – 21.

ORDER:

9. The claimant **Miss Samantha McNeil's** claims for dismissal by reason of redundancy, claim for notice pay and holiday pay are well founded. Miss McNeil was continuously employed from the 20th August 2012 until the 17th February 2023. Miss McNeil is entitled to the following:
 - **Redundancy payment of £1,292.00**
 - **Notice pay of £1,520.00** (representing 10 weeks payment)
 - **Holiday pay of £111.96** (payment for 2.21 shifts at £50.66 per shift ($152/3 = 50.66$, $50.66 \times 2.21 = 111.96$) No annual leave taken from 1.1.23 – 17.2.23)
10. The claimant **Miss Elisha McNeil's** claims for dismissal by reason of redundancy, claim for notice pay and holiday pay are well founded. Miss McNeil was continuously employed from the 6th August 2018 until the 17th February 2023. Miss McNeil is entitled to the following:
 - **Redundancy payment of £627.00**
 - **Notice pay of £1,254.00** (representing 4 weeks payment)
 - **Holiday pay of £231.09** (payment for 2.58 shifts at £89.57 per shift ($627 \times 2 = £627$ (payment for 2 week shift pattern), $627/7 = £89.57$ (payment

per shift), $89.57 \times 2.58 = \text{£}231.09$. No annual leave taken from 1.1.23 – 17.2.23)

11. Upon the court hearing from **Miss Sharon Robson** from Tenerife, the court was unable to hear sworn evidence. Having considered the matter on the papers, the claimant Miss Sharon Robson's claims for dismissal by reason of redundancy, claim for notice pay and holiday pay are well founded. Miss McNeil was continuously employed from the 12th January 2007. Miss Robson is entitled to the following:

- **Redundancy payment of £9,504** (calculated by the Claimant on Gov.uk redundancy pay calculator)
- **Notice pay of £4,356** (representing 12 weeks payment)
- **Holiday pay of £198.00** (calculated by the Claimant on Gov.uk holiday pay calculator)

12. The claimant **Miss Annmarie Rounding's** claims for dismissal by reason of redundancy, claim for notice pay and holiday pay are well founded. Miss Rounding was continuously employed from the 10th December 2017 until the 15th February 2023. Miss Rounding is entitled to the following:

- **Redundancy payment of £2,398.75**
- **Notice pay of £1,732.50** (representing 5 weeks payment)
- **Holiday pay of £244.86** (payment for 2.12×12 hour shifts ($346.50 / 3 = \text{£}115.50$ payable per shift, $115.5 \times 2.12 = 244.86$.) No annual leave taken from 1.1.23 – 15.2.23)

13. The claimant **Miss Shelagh Rennard's** claims for dismissal by reason of redundancy, claim for notice pay and holiday pay are well founded. Miss Rennard was continuously employed from the 10th November 2009 until the 2nd February 2023. Miss Rennard is entitled to the following:

- **Redundancy payment of £3,471.00**
- **Notice pay of £2,138.40** (representing 12 weeks payment)
- **Holiday pay of £68.33** (payment for 1.54×4 hour shifts, (2.54 shifts of 4 hours minus one shift annual leave taken = 1.54 shifts), calculated at $178.20 / 5 = \text{£}44.50$ payable per shift, $44.5 \times 1.54 = \text{£}68.33$).

14. The claimant **Mr Michael Parker's** claims for dismissal by reason of redundancy, claim for notice pay and holiday pay are well founded. Mr Parker was continuously employed from the 10th May 2010 until the 19th February 2023. Mr Parker is entitled to the following:

- **Redundancy payment of £2,394.00**
- **Notice pay of £1,596.00** (representing 12 weeks payment)
- **Holiday pay of £102.41** (payment for 1.54 shifts at $\text{£}66.5$ per shift (2 shifts of 3.5 hours per week at $\text{£}133.00$ per week) $133/2 = 66.5$ payable per shift, $66.5 \times 1.54 = \text{£}102.41$)

15. The claimant **Mr Nathan Francis Mottram** claims for dismissal by reason of redundancy, claim for notice pay and holiday pay are well founded. Mr Mottram was continuously employed from August 2014 until the 31st January 2023 Mr Mottram is entitled to the following:

- **Redundancy payment of £3,192.00**
- **Notice pay of £1,875.00** (representing payment for 9 weeks)
- **Holiday pay of £163.33** (payment for 1.67 shifts, $342 \times 2 = 684$ (payable for 2 week shift pattern), $684/7 = 97.8$ (amount payable per shift), $97.8 \times 1.67 = 163.33$.)

16. The claimant **Miss Lisa Marshall's** claims for dismissal by reason of redundancy, claim for notice pay and holiday pay are well founded. Miss Marshall was continuously employed from the 6th December 2011 and the 16th February 2023. Miss Marshall is entitled to the following:

- **Redundancy payment of £2,978.25**
- **Notice pay of £1985.50** (representing payment for 11 weeks)
- **Holiday pay of £130.12** (payment for 2.53 x 5 hour shifts, $\pounds 180.50 \times 2 = 360.00$ (payment per week x 2 reflecting 2 week shift pattern), $360/7 = \pounds 51.43$ (amount payable per shift), $2.53 \times 51.43 = \pounds 130.12$).

17. The claimant **Ms Samantha Luker** claims for dismissal by reason of redundancy, claim for notice pay and holiday pay are well founded. Miss Luker was continuously employed from the until the 2nd February 2023 and the 31st January 2023. Miss Luker is entitled to the following:

- **Redundancy payment of £2,356.00**
- **Notice pay of £1,824.00** (representing 12 weeks payment)
- **Holiday pay of £72.46** (payment for 1.43 shifts at $\pounds 152/3 = 50.67$ (amount payable per shift) $50.67 \times 1.43 = \pounds 72.46$)

18. The claimant **Miss Lisa Dawn Jefferson** claims for dismissal by reason of redundancy, claim for notice pay and holiday pay are well founded. Miss Jefferson was continuously employed from the 22nd September 2019 until the 13th February 2023. Miss Jefferson is entitled to the following:

- **Redundancy payment of £1097.25**
- **Notice pay of £940.50** (representing 3 weeks payment)
- **Holiday pay of £212.28** (payment for 2.37 shifts at $313.5 \times 2 = \pounds 627$ (payable for 2 week shift pattern), $627/7 = 89.57$ (payable per shift), $89.57 \times 2.37 = \pounds 212.28$)

19. The claimant **Ms Tracy Donaldson's** claims for dismissal by reason of redundancy, claim for notice pay and holiday pay are well founded. Miss Donaldson was continuously employed from the 10th September 2018 until the 16th February 2023. Ms Donaldson is entitled to the following:

- **Redundancy payment of £1,386.00**

- **Notice pay of £924.00** (representing 4 weeks payment)
- **Holiday pay of £167.48** (payment for 1.45 shifts at £231.00 per week for 2 shifts)($231 / 2 = 115.5$ (payable per shift)) $115.5 \times 1.45 = £167.48$)

20. The claimant **Mrs Pamela Burgess** claims for dismissal by reason of redundancy, claim for notice pay and holiday pay are well founded. Miss Burgess was continuously employed from the 22nd March 2008 until the 17th February 2023. Mrs Burgess is entitled to the following:

- **Redundancy payment of £3,788**
- **Notice pay of £2,138.40** (representing 12 weeks payment)
- **Holiday pay of £131.51** (payment for 3.69 shifts at 35.64 (payable per shift), $35.64 \times 3.69 = £131.51$)

21. The claim in relation **Miss Georgia Allan**, case number 2500695/2023 is struck out.

22. The claimant **Mrs Corina Nanu's** claims for dismissal by reason of redundancy, claim for notice pay and holiday pay are well founded. Mrs Nanu was continuously employed from the 12th December 2019 until the 18th February 2023. Mrs Nanu is entitled to the following:

- **Redundancy payment of £495.00**
- **Notice pay of £456.00**
- **Holiday pay of £114.76** (payment for 1.51 shifts at 9 hours per shift (average over the week of 18 hours work), £152 paid per week, $£152 / 2 = 76$ (payable per shift), $76 \times 1.51 = £114.76$).

23. The respondent is therefore ordered to pay the claimant's the above sums (calculated as gross sums).

Employment Judge Rebecca McGregor

Date: 10 July 2023

JUDGMENT & REASONS SENT TO THE PARTIES ON

19 July 2023

Miss K Featherstone
FOR THE TRIBUNAL OFFICE

Schedule:

Case Number	Claimant Name
2500683/2023	Miss Samantha McNeil
2500684/2023	Miss Elisha McNeil
2500685/2023	Miss Sharon Robson
2500686/2023	Mrs Annmarie Rounding
2500687/2023	Mrs Shelagh Rennard
2500688/2023	Mr Michael Parker
2500689/2023	Mr Nathan Francis Mottram
2500690/2023	Miss Lisa Marshall
2500691/2023	Miss Samantha Luker
2500692/2023	Miss Lisa Dawn Jefferson
2500693/2023	Ms Tracy Donaldson
2500694/2023	Mrs Pamela Burgess
2500695/2023	Miss Georgia Allan
2500696/2023	Mrs Corina Nanu