



EMPLOYMENT TRIBUNALS

Claimant: Ms M Strutt
Respondent: Watership Downs Nursery CIC
Heard East London Hearing Centre (By CVP)
on 17 July 2023
Before: Employment Judge J S Burns
Representation

Claimant: In person
Respondent: Ms. S Kennedy (Director)

JUDGMENT

1. The Respondent must pay the Claimant **£230.49** by **31/7/23**.

REASONS

1. I heard evidence on oath from the Claimant and Ms. Kennedy and was referred to a folder of documents from each side.

2. I disallowed one week from the notice pay claim (for the days 31/10 and 1/11/22) as the Claimant did not work those days and did not provide a sick note to cover that absence but allowed the other weeks' notice pay (£114) claimed (for 24 and 25/10/22) as although the Claimant was on paid holiday for that week, her contractual entitlement to normal pay for that week was not extinguished by her holiday pay. In other words, the entitlement is cumulative and not alternative.

3. There was a dispute between the parties as to the exact numbers of hours which the Claimant had worked in the year up to her resignation. On balance I preferred the Claimant's evidence which appeared to base on detailed records, with which Ms. Kennedy had not engaged, despite having received them on 31/5/23. In addition, there was an admitted history of some minor underpayments to the Claimant in the past, and the Claimant's complaint that she had been underpaid was made during

employment and not just afterwards. It followed from my acceptance of the Claimant's figures that she was found to be due holiday pay of £59.49 and unpaid salary of £57.

Employment Judge J Burns

Dated: 17 July 2023