



EMPLOYMENT TRIBUNALS

Claimants: (1) Sandra Kelly
(2) David John Fox
(3) Dawn Brown
(4) Carolyn Leyland

Respondent: Carl's Kitchen Limited

Heard at: Midlands West Employment Tribunal (in person and by video)

On: 4 August 2023

Before: Employment Judge Chivers

Representation

Claimants: In person (David John Fox and Carolyn Leyland attended in person; Sandra Kelly and Dawn Brown attended by video)

Respondent: Did not attend

JUDGMENT

Sandra Kelly (Case Number: 1302625/2023)

1. The claimant's claim for a statutory redundancy pay is well founded and succeeds. The respondent shall pay to the claimant the sum of £7980.
2. The respondent was in breach of contract by
 - (i) dismissing the claimant without notice and the respondent is ordered to pay to the claimant damages of £3192 for that breach; and
 - (ii) not paying employee pension contributions for the period October 2022 – January 2023 and the respondent is awarded damages of £199.86 for that breach.
3. The claimant's claim for unauthorised deductions from pay contrary to Part II Employment Rights Act 1996 in respect of the respondent failing to pay the claimant for accrued but untaken holiday is withdrawn and dismissed.
4. The respondent is ordered to pay to the claimant additional compensation of £532

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for failure to provide a written statement of employment particulars pursuant to section 38 of the Employment Act 2002.

David Fox (Case Number: 1302615/2023)

1. The claimant's complaint of unauthorised deductions from pay contrary to Part II Employment Rights Act 1996 is well-founded and succeeds. The respondent made an unauthorised deduction from the claimant's pay in the wages due on 31 January 2023. The respondent is ordered to pay to the claimant the net sum of £1187.69 deducted from pay.
2. The respondent is ordered to pay to the claimant additional compensation of £720 for failure to provide a written statement of employment particulars pursuant to section 38 of the Employment Act 2002.

Dawn Brown (Case Number: 1302625/2023)

1. The claimant's claim for statutory redundancy pay is well founded and succeeds. The respondent shall pay the claimant the sum of £1000.
2. The claimant's complaint of unauthorised deductions from pay contrary to Part II Employment Rights Act 1996 is well-founded and succeeds. The respondent made an unauthorised deduction from the claimant's wages by
 - (i) failing to pay the claimant in lieu of accrued but untaken annual due on termination of employment of £1098.40; and
 - (ii) failing to pay the claimant the full amount of wages due for January 2023 in the sum of £506.

The respondent is ordered to pay to the claimant the gross sum of £1604.40 deducted from pay.

3. The claimant's complaint that she was unfairly dismissed contrary to section 98 of the Employment Rights Act 1996 is well-founded and succeeds. The respondent shall pay the claimant the sum of £300.
4. The respondent is ordered to pay to the claimant additional compensation of £400 for failure to provide a written statement of employment particulars pursuant to section 38 of the Employment Act 2002.

Carolyn Leyland (Case Number: 1302409/2023)

1. The claim for a statutory redundancy payment is well founded and succeeds. The respondent shall pay the Claimant the sum of £2700.
2. The respondent is ordered to pay the claimant additional compensation of £720 for failure to provide a written statement of employment pursuant to section 38 of the Employment Act 2002.

Employment Judge Chivers
08 August 2023

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Note

Written reasons will not be provided unless a written request is presented by either party within 14 days of the sending of this written record of the decision.

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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.