



# THE EMPLOYMENT TRIBUNALS

## BETWEEN

**Claimant:** Miss A Knox

**Respondent:** Mr Baker of Birtley Limited

**Heard at:** Newcastle Hearing Centre (by CVP)

**On:** 10 August 2023

**Before:** Employment Judge Morris (sitting alone)

### Representation:

**Claimant:** In person

**Respondent:** Not participating, no response having been received

## JUDGMENT

The Judgment of the Employment Tribunal is as follows:

1. The claimant was dismissed by the respondent by reason of redundancy. In accordance with section 135 of the Employment Rights Act 1996, the respondent must therefore pay a redundancy payment to the claimant.
2. The amount of the redundancy payment to which the claimant is entitled, as calculated in accordance with section 162 of the Employment Rights Act 1996, is £2,736.
3. In dismissing the claimant the respondent unreasonably failed to comply with the ACAS Code of Practice: Disciplinary and Grievance Procedures (2015) and, therefore, in accordance with section 207A of the Trade Union and Labour Relations (Consolidation) Act 1992 that award is increased by 25% (£684) to £3,420.
4. The claimant's complaint under section 23 of the Employment Rights Act 1996 that the respondent made an unauthorised deduction from her wages contrary to section 13 of that Act (in that it did not pay her two weeks' wages that were due to her) was not presented to the Employment Tribunal within the period of three

months provided for in section 23(2) of that Act and it was reasonably practicable for the claimant to have presented her complaint within that time period.

5. The claimant's complaint that, contrary to Regulation 14 of the Working Time Regulations 1998, the respondent had not paid her compensation in respect of her entitlement to paid holiday that had accrued but not been taken by her at the termination of her employment was not presented to the Employment Tribunal within the period of three months provided for in regulation 30(2) of those Regulations and it was reasonably practicable for the claimant to have presented her complaint within that time period.
6. The above two complaints in respect of non-payment of wages and holiday pay not having been presented in time, the Employment Tribunal is precluded from considering either of them.

**EMPLOYMENT JUDGE MORRIS**

**JUDGMENT SIGNED BY EMPLOYMENT  
JUDGE ON 15 August 2023**

**Notes**

**Video hearing**

This was a remote hearing, which had not been objected to by the parties. It was conducted by way of the Cloud Video Platform as it was not practicable to convene a face-to-face hearing, no one had requested such a hearing and all the issues could be dealt with by video conference.

**Reasons**

Reasons for the above Judgment having been given orally at the hearing, and no request having been made at the hearing, written reasons will not be provided unless a written request is presented within 14 days of the sending of this written record of the Judgment.

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