



# EMPLOYMENT TRIBUNALS

**Claimant:** Gillian Rodgers

**Respondent:** Hook'd on Food Limited

## JUDGMENT

### Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The complaint in respect of a statutory redundancy payment under section 163 Employment Rights Act 1996 is well founded and succeeds. The Respondent is ordered to pay to the Claimant a redundancy payment in the sum of **£1,605.12**.
2. The complaint of breach of contract in respect of the failure to give 4 weeks' notice is well founded and succeeds. The Respondent is ordered to pay to the Claimant damages in the sum of **£700.50**.
3. The total amount to be paid to the Claimant is **£2,305.62**.
4. The hearing on 19 September 2023 will not now take place.

## REASONS

1. On **27 June 2023**, the Claimant presented a Claim Form to the Tribunal in which she brought a claim for:
  - 1.1. A statutory redundancy payment;
  - 1.2. Payment of notice;
2. The proceedings were served on the Respondent at the address provided by the Claimant, which is the Respondent's registered office, with a response date of **17 August 2023**. No response was returned.
3. Under rule 21 of the Tribunal Rules of Procedure 2013, where on the expiry of the time limit in rule 16 no response has been presented and no application for a reconsideration is

outstanding, an employment Judge shall decide whether on the available material, a determination can properly be made of the claim or part of it. If there is, the judge shall issue a judgment, otherwise a hearing must be fixed before a judge alone.

4. The Claimant wrote to the Tribunal, on **25 August 2023** providing a breakdown and explanation of the amounts claimed.
5. The Claimant was employed as a Barista/cook and supervisor by the Respondent. She commenced employment on **14 March 2003** and was dismissed on **28 April 2023** having completed 4 years of continuous employment. The reason for the termination of her employment was the closure of her place of work. Although there was some vague discussion in advance about the possibility of closing the business, the Claimant was given no notice of dismissal prior to the actual closure. At the date of dismissal, she was 29 years old. For her normal working week of 32 hours a week, the Claimant was entitled to be paid **£401.28** gross per week. This consisted of 18 hours a week at the supervisor rate of £14.01 and 14 hours at the regular rate of £10.65. Her net weekly wage after tax and NI was **£350.25**.
6. The reason for the Claimant's dismissal being redundancy she was entitled to a statutory redundancy payment. The calculation is: £401.28 x 4 = **£1,605.12**.
7. She was entitled to four weeks' notice. However, she was in fact only given two weeks notice (which she worked and for which she was paid). Therefore, her employment was terminated by the giving of shorter notice than that to which she was entitled. The total amount of the outstanding notice pay comes to **£700.50** (£350.25 x 2). Following termination of her employment she was paid £500 towards her notice, leaving an outstanding net amount of **£200.50**.
8. I was satisfied that I had sufficient information to enable me to issue a judgment in respect of the claims for statutory redundancy and outstanding notice pay.

Employment Judge Sweeney

Date: 4 September 2023