



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss DA Ivey

**Respondents:** Mark Davies trading as Bennett Richmond (1)  
Bennett Richmond (2)

## JUDGMENT ON LIABILITY

Employment Tribunals Rules of Procedure 2013 – Rule 21

The Judgment of the Employment Tribunal is as follows:

1. The title of the first respondent is amended to Mark Davies trading as Bennett Richmond.
2. All claims against the second respondent are dismissed.
3. The complaint or breach of contract in relation to notice pay is well-founded.
4. Under section 163 Employment Rights Act 1996, it is determined that the claimant is entitled to a redundancy payment.
5. The complaint of unauthorised deduction of wages is well-founded. The respondent made an unauthorised deduction from the claimant's wages in the period from 31 May 2023 to 9 June 2023.
6. The complaint in respect of holiday pay is well-founded. The respondent failed to pay the claimant in accordance with regulations 14(2) and 16(1) of the Working Time Regulations 1998.
7. The amount payable shall be decided at the remedy hearing on 14 November 2023.

## REASONS

1. The claimant made an application to the Employment Tribunal on 19 August 2023 claiming the respondent had failed to pay her wages, notice pay, holiday pay and redundancy pay upon the termination of her employment.
2. The respondent entered a response on behalf of the first and second respondents on 10 October 2023 indicating that the claim is not defended. The respondent provided further information on 26 October 2023 in respect of the correct identity of the respondent, i.e. that Mr Mark Davies was a sole practitioner trading as Bennett Richmond which operated as a firm of solicitors and estate agents. The correct respondent is therefore Mark Davies trading as Bennett Richmond.
3. In response to orders made by the Tribunal on 27 October 2023, the claimant provided an amended schedule of loss on 30 October 2023. However, the information regarding the

calculation of holiday pay was unclear and insufficient to make an award. In the circumstances, the amount payable shall be decided at the remedy hearing.

4. The above Judgement has been entered on the basis of the written information provided by the claimant and respondent.

**Employment Judge Arullendran**

Date: 6 November 2023