



EMPLOYMENT TRIBUNALS

Claimant

Ms N Gudgin

Respondents

v Learn By Design Ltd (in liquidation)

Heard at: Watford (CVP)

On: 7 November 2023

Before: Employment Judge S Moore

Appearances

For the Claimant: In person

For the Respondent: No appearance

JUDGMENT

The claim for unpaid redundancy pay and unpaid holiday pay succeeds in the total sum of £948.83 gross.

REASONS

1. The Claimant was employed by the Respondent between 1 November 2019 and 31 December 2022 as a Programme Coordinator when she was dismissed on grounds of redundancy.
2. Her date of birth is 10 June 1997, making her 22 years old at the start of her employment and 25 years old at the date of her dismissal.
3. She has made a claim for a redundancy payment pursuant to s.162 Employment Rights Act 1996 and unpaid holiday pay pursuant to paragraph 14 of the Working Time Regulations 1998.
4. Her redundancy payment and the holiday pay to which she was entitled at the date of her dismissal was set out in her pay slip for Tax Period 11. It states she was entitled to holiday pay in the gross sum of £1,101.97 and redundancy pay in the gross sum of £1,377.46.

5. On 6 March 2023 and 7 April 2023, respectively, the Respondent made the Claimant two payments of £500, stating that it intended to pay the remaining monies she was owed in due course.
6. On 24 July 2023 the Respondent went into a Creditors' Voluntary Liquidation and the Claimant subsequently made an application to The Insolvency Service for the balance of her redundancy and holiday pay.
7. On 11 September 2023 the Claimant was paid £515.10 holiday pay by The Insolvency Service.
8. On 22 September 2023, the Claimant was paid a further £15.50 holiday pay by The Insolvency Service.
9. Assuming that the two payments of £500 made by the Respondent to the Claimant in March and April 2023 were referable to the Claimant's redundancy payment (rather than holiday pay), it follows that the following sums remain unpaid:
 - Holiday pay in the sum of £571.37 gross (being £1,101.97 - £530.60); and
 - A redundancy payment in the sum of £377.46 gross (being £1,377.46 - £1,000).
10. I therefore find the Respondent remains liable to the Claimant in respect of those outstanding sums.

Employment Judge S Moore

Date: 7 November 2023

Sent to the parties on:
21 December 2023

T Cadman
For the Tribunal Office