



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss K L Drinkell

**Respondent:** St. James Fish Restaurant Limited

## FINAL HEARING

**Heard at:** Nottingham

**On:** 13 November 2023

**Before:** Employment Judge Shore

### Appearances

For the claimant: Mr E Stenson, Counsel

For the respondent: No Appearance

## JUDGMENT

1. The correct name of the respondent is **St. James Fish Restaurant Limited**. The Tribunal's records shall be amended accordingly.
2. The claimant's employment began on 1 June 2014 and her effective date of termination was 21 February 2023. The reason for her dismissal was redundancy. The claimant's claim for a statutory redundancy payment is well-founded and succeeds.
3. The respondent shall pay the claimant a statutory redundancy payment calculated as 5 weeks x 1.5 x £380.00 + 3 weeks x 1 x £380.00 = **£3,990.00**.
4. The claimant's claim of unauthorised deduction from wages is well-founded and succeeds.
5. The respondent shall pay the claimant:
  - 5.1 One week's pay in hand, being **£380.00** gross, before deduction of income tax and National Insurance: and

- 5.2 Two days' pay for the week ending 26 February 2023, being **£152.00** gross, before deduction of income tax and National Insurance.
6. The claimant's claim for unpaid holiday pay was agreed by consent at the preliminary hearing on 14 August 2023 as four day's pay.
7. The respondent shall pay the claimant four days' pay, being **£304.00** gross, before deduction of income tax and National Insurance.
8. The claimant's claim of breach of contract (failure to pay notice pay) is well-founded and succeeds.
9. The respondent shall pay the claimant 8 weeks' notice x £380.00 per week = £3,040.00 gross, before deduction of income tax and National Insurance. The claimant earned £330.00 gross per week from 1 March 2023 – 7 weeks x £330.00 = £2,310.00. The respondent shall pay the claimant **£730.00** gross, before deduction of income tax and National Insurance.
10. I find that the respondent's conduct of these proceedings has been vexatious and unreasonable and order the respondent to pay the claimant's costs of counsel for today in the sum of **£2,000.00 plus VAT**.

Employment Judge Shore

Signed 13 November 2023

Sent to the parties on:

...04 January 2024.....

For the Tribunal Office:

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**Note**

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing, or a written request is presented by either party within 14 days of the sending of this written record of the decision.

**Public access to employment tribunal decisions**

All judgments (apart from those under rule 52) and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.