



EMPLOYMENT TRIBUNALS

Claimant: Mrs B Barnfield

Respondent: Meadowbrook Montessori Ltd

Heard at: Watford Employment Tribunal (by video)

On: 3 October 2024

Before: Employment Judge Armstrong

Representation

Claimant: Mr Pettet (Trade Union Representative)

Respondent: No attendance (written representations submitted)

JUDGMENT

1. The complaint of unauthorised deductions from wages is well-founded. The respondent made an unauthorised deduction from the claimant's wages in the period April 2023.
2. The respondent shall pay the claimant **£2,575**, which is the gross sum deducted. The claimant is responsible for the payment of any tax or National Insurance.
3. The respondent shall also pay the claimant **£77.25** to compensate the claimant for financial loss attributable to the unauthorised deduction (pension contributions).
4. The complaint of breach of contract in relation to notice pay is well-founded.
5. The respondent shall pay the claimant **£10,609** as damages for breach of contract (£10,300 notice pay for the period 1 May 2023 to 31 August 2023, and £309 pension contributions). This figure has been calculated using gross pay to reflect the likelihood that the claimant will have to pay tax on it as Post Employment Notice Pay.

6. Under section 163 Employment Rights Act 1996 it is determined that the claimant is entitled to a redundancy payment of **£6,239.41**.
7. The respondent failed to comply with the requirements of section 188 and 188A of the Trade Union and Labour Relations (Consolidation) Act 1992.
8. It is declared that the claim for a protective award is well-founded.
9. A protective award is made in respect of the claimant who was employed by the respondent at their premises at Malt Hill, Warfield, Bracknell, Berkshire and who was dismissed as redundant on 21 April 2023.
5. The protected period begins on 21 April 2023 and is for a period of 90 days, it being just and equitable to make the maximum award because of the complete failure to comply with the statutory requirements for collective consultation.
10. The claim for holiday pay is dismissed on withdrawal by the claimant.
11. The respondent unfairly dismissed the claimant but no further remedy is awarded in light of the notice pay and redundancy pay awarded above.

Employment Judge **Armstrong**

Date 3 October 2024

JUDGMENT SENT TO THE PARTIES ON
4 December 2024

FOR THE TRIBUNAL OFFICE

Notes

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

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>