



# EMPLOYMENT TRIBUNALS

Claimant: Miss J Hultum

Respondent: Rutherford Vending Ltd

## JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

The claim was issued in the Leeds Employment Tribunals on 20 June 2024. The respondent has failed to present a valid response on time. The Employment Judge has decided that a determination can properly be made of the claim, or part of it, in accordance with rule 21 of the Rules of Procedure.

1. The respondent has made unauthorised deductions from the claimant's wages and must pay the claimant in the gross amount of **£2,384.48**.
2. The claimant was dismissed in breach of contract in respect of notice and the respondent must pay damages to the claimant in the gross amount of **£2,745.60**.
3. The claimant was dismissed by reason of redundancy and is entitled to a redundancy payment of **£6,406.40**.
4. The respondent has failed to pay the claimant's holiday entitlement and must pay the claimant the gross amount of **£777.92**.
5. The respondent breached an implied term of the claimant's contract by deducting employees' pension contributions from her wages for a period but not paying them into her pension. The respondent is ordered to pay the claimant the amount of **£215.88**.
6. The claimant was unfairly dismissed and the respondent is ordered to pay to her a compensatory award in the sum of **£2,101.60**.

### Note

The claimant's notice pay award must be deducted from the compensatory award for unfair dismissal to avoid double recovery. If a statutory redundancy payment is made, then no basic award entitlement for unfair dismissal can arise. The ACAS Code does not apply on a redundancy and therefore no uplift can be awarded. On a TUPE transfer, terms and conditions of employment continue to apply as when with the transferor company – there should be no compensation for a failure to provide fresh employment particulars. Any employer pension contributions fall within the jurisdiction of the Pensions Regulator.

**The hearing listed 8<sup>th</sup> January 2025 is therefore postponed.**

Employment Judge Maidment

Date: 23 December 2024

JUDGMENT SENT TO THE PARTIES ON

Date: 31 December 2024

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AND ENTERED IN THE REGISTER

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FOR THE TRIBUNAL OFFICE