



THE EMPLOYMENT TRIBUNALS

BETWEEN

Claimant: Miss J Swaddle
Respondent: Tavistock Hospitality Limited

Heard at: Newcastle Hearing Centre (by CVP) **On:** 5 December 2024

Before: Employment Judge Morris (sitting alone)

Representation:

Claimant: In person
Respondent: Miss A Wright, Tribunal Advocate

JUDGMENT

The Judgment of the Employment Tribunal is as follows:

1. The claimant's complaint under regulation 30 of the Working Time Regulations 1998 that the respondent failed to pay her in lieu of leave as provided for in regulation 14(2) of those Regulations was not presented to the Tribunal within the applicable time limit referred to in regulation 30(2) of those Regulations and, as the claimant conceded, it was reasonably practicable for her to have done so.
2. The claimant's complaint under section 23 of the Employment Rights Act 1996 that the respondent made an unauthorised deduction from her wages contrary to section 13 of that Act was not presented to the Tribunal within the applicable time limit referred to in section 23(2) of that Act and, as the claimant conceded, it was reasonably practicable for her to have done so.
3. In the above circumstances, the Tribunal is precluded from considering either of the above complaints, which are therefore dismissed.
4. The claimant was dismissed by reason of redundancy, as provided for in sections 136 and 139 of the Employment Rights Act 1996, but no award of a redundancy payment can be made to the claimant because the amount of that payment was

a to her in full by the respondent prior to the date of this hearing. Her claim for a redundancy payment under section 164 of that Act is therefore dismissed.

5. When the proceedings were begun, as was conceded by the respondent, it was in breach of its duty to provide the claimant with a written statement of employment particulars as provided for in section 1 of the Employment Rights Act 1996 but no award is made to the claimant in this respect as neither of the circumstances in sections 38(1) or (2) of the Employment Act 2002 apply in this case; and if, due to my finding that the claimant was dismissed by reason of redundancy, they were to have applied I am satisfied that to make any award to the claimant would be unjust or inequitable as provided for in section 38(5) of that Act.
6. As was conceded on behalf of the respondent, the claimant had not brought a contract claim before this Tribunal and it is therefore precluded from entertaining the counterclaim made by the respondent, which is dismissed.

EMPLOYMENT JUDGE MORRIS

**JUDGMENT SIGNED BY EMPLOYMENT
JUDGE ON 6 December 2024**

Notes

Video hearing

This was a remote hearing, which had not been objected to by the parties. It was conducted by way of the Cloud Video Platform as it was not practicable to convene a face-to-face hearing, no one had requested such a hearing and all the issues could be dealt with by video conference.

Reasons

Reasons for the above Judgment having been given orally at the hearing, and no request having been made at the hearing, written reasons will not be provided unless a written request is presented within 14 days of the sending of this written record of the Judgment.

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