EMPLOYMENT TRIBUNALS

Claimant: **Ms Sarah Newell**

Respondent: **Castle Agencies Ltd**

Heard at: Midlands East Tribunal

On: 13 October 2026

Before: Employment Judge Brewer

Representation
Claimant: In person
Respondent: No attendance

JUDGMENT

The judgment of the Tribunal is as follows,

1. The claimant's claim for unfair dismissal succeeds.
2. The claimant's claim for statutory redundancy pay succeeds.
3. The claimant's claim for unpaid accrued untaken annual leave succeeds.

The respondent shall pay to the claimant the following

1. Statutory redundancy pay in the sum of £5,711.58.
2. Accrued untaken holiday pay in the sum of £2,306.07.
3. Compensation for unfair dismissal in the sum of £17,158.77.

REASONS

Introduction

1. This case was heard in the absence of the respondent Who failed to file a response.

2. The Claimant had kindly provided a detailed witness statement and a large number of documents to support her claim.

3. Given the circumstances the reasons set out below are brief.

Issues

4. The Issues are as follows,

   4.1. was the claimant dismissed, if so when,

   4.2. if she was dismissed, what was the reason,

   4.3. if she was dismissed was the dismissal fair or unfair,

   4.4. if the dismissal was unfair, what remedy is she entitled to,

   4.5. along with any compensation for unfair dismissal, is the claimant entitled to receive, compensation for accrued untaken holiday pay not being paid on termination of employment?

Law

5. It is not proportionate to set out in any great detail the law I have to apply.

6. It is sufficient to note that a fair redundancy procedure requires consultation with the affected employees, fair selection and a reasonable search for alternative employment.

Findings of fact

7. The key findings of fact are as follows.

8. The claimant began her employment on 21 October 2019 as an accounts manager.

9. The sole director of the respondent was and remains Mr. Ryan Welch. He was also the managing director and the claimant's line manager.

10. It seems that in mid 2024 the respondent lost a key client and as early as 29 August 2024 Mr Welch said that staff would have to be made redundant. However, it is clear that the claimant was not made redundant at that time, and nor were her colleagues.

11. There was some suggestion that the claimant's leaving date was 9 December 2024 and indeed there is a P45 in the bundle which has as the effective date of termination 9 December 2024. However, I accept the claimant's evidence that her employment did not terminate in December 2024. The evidence shows that she continued to be employed, work and be paid until October 2025.

12. The e-mail chain shows that Mr Welch intended that the claimant cease work on 28 October 2025 and the claimant says that she did leave work on that date. She was paid for October 2025.

13. However, I do note that there are payslips for both November and December 2025. Having considered the claimant's documentary evidence, in particular her bank statements, it is clear that although the pay slips suggest she was paid, she was not in fact paid for either November or December 2025.

14. Therefore, the effective date of termination was 28 October 2025. The claimant was paid until 31 October 2025 but not beyond that date and received no other payments from the respondent.

15. It is also clear that the reason for the dismissal was redundancy.

16. It is apparent from the voluminous emails in the bundle that no redundancy process was followed by the respondent. It is certainly fair to say that the claimant would have been aware that a redundancy dismissal was on the cards for some time, but the fact remains that she continued working and being paid and could not have anticipated when she may be dismissed.

Discussion and conclusions

17. It is plain that in dismissing the claimant by reason of redundancy the respondent followed no process whatsoever. Although the claimant was warned of the possibility of redundancy and would have been aware of that for some time, there was no consultation, no discussion, no explanation and in all respects the respondent has behaved extraordinarily badly, and unfairly, in its treatment of not just the claimant but the other staff it employed.

18. I have no hesitation in finding the dismissal to be unfair.

19. The claimant was not paid notice pay nor was she given the opportunity to work her notice.

20. The claimant was not paid accrued untaken holiday pay on termination of employment as she should have been.

Remedy

21. Turning to the remedy, the claimant was employed continuously for six complete years. Given that length of service and her age, she is entitled to statutory redundancy pay of £5,711.58.

22. At the date of termination, the claimant had 23 days accrued untaken holiday and she was entitled to be paid for that. I award compensation for that in the sum of £2,306.07.

23. The claimant was unemployed from the date of termination until 15 June 2026. That is a period of 32 weeks, and she is entitled to compensation for that period in the sum of £15,968.77 (this includes a sum for what would have been the notice pay).

24. In her new role the claimant is earning £70 less per week. From the date of starting that role until today is 17 weeks and therefore she should be compensated for that in the sum of £1.190.

25. The claimant is not entitled to a basic award because that is subsumed by the award of statutory redundancy pay.

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Employment Judge Brewer

Date: 13 October 2026

JUDGMENT SENT TO THE PARTIES ON

29/10/2026

J. Woolley

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