



# EMPLOYMENT TRIBUNALS

**Claimant**  
Miss S Sinnott

v

**Respondent**  
Clubify Limited

Heard at: Central London Employment Tribunal

On: 18 August 2021

Before: Employment Judge Norris, sitting alone (via CVP)

Representation:

Claimant – In person

Respondent – Did not appear and not represented

## JUDGMENT

1. The Claimant's claims of notice pay, holiday pay and unlawful deductions from wages are well-founded and succeed.
2. The Tribunal does not have jurisdiction to hear the complaints of unfair dismissal or redundancy pay, which are accordingly struck out.
3. The Respondent is ordered to pay to the Claimant the gross sum of £3,387.66.

## REASONS

1. The Claimant worked for the Respondent between 14 April and 31 August 2020. She was informed on 31 August 2020 that due to economic pressures, the Respondent was making cuts and that she was being given a week's notice that she was not required to work. She was not paid her notice, nor her accrued but untaken holiday pay and she was not paid for August.
2. The Claimant did not go in to work thereafter. Shortly after this, her manager Mr Cadeilhan, the Respondent's founder and sole director, passed away. The Claimant told me, and I accept, that she and some former colleagues were initially asked by the police not to lodge Tribunal proceedings, while the circumstances of his death were investigated. I accept that it was not reasonably practicable for the former employees to enter Early Conciliation at that time. The Claimant was told in early 2021 that she could now bring a claim for the outstanding money and entered Early Conciliation for two days (18-19 February 2021) and lodged her claim the day after (20 February 2021).
3. No response was served on behalf of the Respondent. It was not possible to enter default judgment because the Claimant was claiming unfair dismissal and a

redundancy payment in addition to the other complaints indicated above; and there was insufficient detail in the claim form about the remedy sought for those complaints which the Tribunal had jurisdiction to hear. A hearing therefore took place on 18 August 2021, which the Claimant attended in person. The Respondent did not attend and was not represented.

4. The Claimant gave evidence on oath and shared her contract of employment on the screen. I explained that as she did not have two years' continuous service, the Tribunal could not hear her complaints of unfair dismissal and/or failure to pay redundancy pay. So far as the other complaints are concerned, we calculated that she was entitled to the following gross amounts:
  - a. One week's notice in the amount of £575.34;
  - b. 3.8 days' accrued but untaken holiday in the amount of £312.32; and
  - c. One month's wages for August 2020 in the amount of £2,500.
5. There were no other amounts claimed. It was not possible to calculate what, if any, deductions should be made for tax and/or employee national insurance and it appeared unlikely that the Respondent will be in a position to operate PAYE. Therefore a gross amount has been awarded and the Claimant will have to account for any deductions herself.
6. It does not appear that Companies House has been notified of Mr Cadeihan's death. Further, the Respondent is still shown on Companies House as being active (and is not listed as being subject to any insolvency proceedings in the Gazette); it is, therefore, not possible to join the Secretary of State (BEIS) as a Respondent.

---

Employment Judge Norris  
Date: 18 August 2021

JUDGMENT SENT TO THE PARTIES ON

.18/08/2021

FOR THE TRIBUNAL OFFICE