



EMPLOYMENT TRIBUNALS

Claimant: Miss C Thompson

Respondent: Jayne Flanagan

Heard at: Liverpool (by video hearing) **On:** 1 March 2021

Before: Employment Judge Buzzard (sitting alone)

Representatives

For the claimant: In Person

For the respondent: Mr G Hine (Solicitor)

JUDGMENT

1. Redundancy Payment Claim

The claimant's claim for a statutory redundancy payment was conceded by the respondent and succeeds. The respondent is ordered to pay to the claimant a statutory redundancy payment in the agreed amount of **£1,188.95**.

2. Breach of Contract Claims

- a. The claimant's claim of breach contract in respect of notice of dismissal was conceded by the respondent and succeeds. The respondent is ordered to pay to the claimant damages in the agreed amount of **£1,188.95**, representing five weeks gross pay.
- b. The claimant's claim of breach of contract in respect of unpaid holiday pay for the leave year 2020-2021 was conceded by the respondent and succeeds. The respondent is ordered to pay to the claimant damages in the agreed amount of **£71.34**.
- c. The claimant's claim for interest on the damages awarded for breach of contract is well founded and succeeds. The respondent is ordered to pay to the claimant total interest in the agreed amount of **£85.91**.

3. Historic Holiday Pay Claims

The claimant's claims relating to holiday pay for the leave years of 2017-2018 and 2019-2020 are dismissed as not well founded.

4. *Unpaid Wages Claim*

The claimant's claim relating to unpaid wages arising from the first week of her employment in 2015 is dismissed as not well founded.

5. *Unfair Dismissal Claim*

The claimant is found to have been unfairly dismissed, the unfairness arising from a failure to follow a fair consultation process. It is found that, as the claimant was the only manager and the respondent decided not to employ a manager, even if the respondent had followed a procedurally fair consultation the claimant would still have been made redundant. On this reason the respondent is not ordered to pay to the claimant any compensation for unfair dismissal.

Employment Judge Buzzard

Date: 2 March 2021

ORDER SENT TO THE PARTIES ON
Date: 11 March 2021

FOR THE TRIBUNAL OFFICE

Note

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.

Hearing Code

The "Code V" in the heading indicates that this was wholly or partly a remote hearing by video conference call, to which the parties have consented. A face to face hearing was not held because both parties are either professionally represented or able to deal with case management issues wholly or partly remotely.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: 2405840/2020

Miss C Thompson v Jayne Flanagan

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 11 March 2020

"the calculation day" is: 12 March 2020

"the stipulated rate of interest" is: **8%**

For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at www.gov.uk/government/collections/employment-tribunal-forms

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.