



EMPLOYMENT TRIBUNALS

Claimant: Mrs J Tanner

Respondents: (1) The Ridgeway Hotel Ltd
(2) Mr S Chrysanthou

Heard at: East London Hearing Centre

On: 1 June 2022

Before: Employment Judge Thackray

Representation
Claimant: Mr D Cook (USDAW)
Respondent: no attendance

JUDGMENT

1. The First Respondent was the employer of the Claimant. All claims against the Second Respondent are dismissed.
2. The claim of breach of contract succeeds against the First Respondent in respect of notice. The First Respondent must pay the Claimant the sum of £5,292 (12 weeks @ £411 gross per week).
3. The claim of unauthorised deduction from wages succeeds against the First Respondent in respect of pay for the period 20 March 2020 to 1 October 2022, in the sum of £5,600 (80 weeks of £70 per week underpayment).
4. The complaint of unfair dismissal succeeds against the First Respondent in respect of a procedurally unfair dismissal by reason of redundancy. The First Respondent must pay the Claimant :
 - 4.1. Redundancy payment: £12,568 (19 years x 1.5) @ £411 per week)
 - 4.2. Compensatory award: £1,764 (4 weeks' pay in respect of the time required for a fair procedure). The Claimant is awarded no further losses as the First Respondent had ceased trading and there is a 100% chance that she would have been fairly dismissed in any event).

- 4.3. Loss of statutory rights: £400.
5. As a redundancy payment has been made, there is no separate basic award.
6. The First Respondent must pay the Claimant £1,764 (4 weeks' pay) in respect of its failure to provide a written statement of employment particulars contrary to s.38 Employment Act 2002.
7. The First Respondent must pay the claimant £882 (2 weeks' pay) in respect of its failure to provide a written statement of reasons for dismissal contrary to section 92 Employment Rights Act 1996.
8. All claims related to TUPE are dismissed on withdrawal.
9. The claim for payment in lieu of accrued but untaken holiday fails and is dismissed.
10. The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 do not apply.
11. **The total award which the First Respondent must pay to the Claimant is £28,270.**

Employment Judge Thackray
Dated: 16 June 2022