



EMPLOYMENT TRIBUNALS

Claimant: Ms J Patton
Respondent: Dr D Sister Limited
Heard at: East London Hearing Centre (by Cloud Video Platform)
On: 26 November 2020
Before: Employment Judge Moor

Representation
Claimant: Mr N Toms, counsel
Respondent: No attendance

JUDGMENT

1. The Claimant was an employee of the Respondent from 21 August 2017.
2. The week's pay pursuant to section 224 of the Employment Rights Act 1996 as at the date of termination was £498.33 gross.
3. The claim for a redundancy payment is well-founded and succeeds. The Respondent is ordered to pay the Claimant redundancy pay of £1494.99.
4. The unfair dismissal claim is well-founded and succeeds.
 - 4.1. The Claimant is likely to have been dismissed fairly on 27 September 2019, in any event.
 - 4.2. The Claimant is entitled to loss of statutory rights of £500.
 - 4.3. The Respondent is ordered to pay the Claimant a compensatory award of £1400.00.
 - 4.4. Recoupment does not apply.
5. The claim for breach of contract (loss of notice) succeeds. The Claimant was entitled to 2 weeks' notice of dismissal. The Respondent is ordered to pay to the Claimant £996.66.

- 6. The Claimant is entitled to compensation for accrued but untaken paid annual leave in the leave year beginning on 21 August 2019. The Respondent is ordered to pay to the Claimant £650.00**
- 7. The Respondent is therefore ordered to pay the Claimant in total the sum of £4,541.65. The calculation is set out at Appendix One.**

**Employment Judge Moor
Date: 27 November 2020**

APPENDIX ONE

A week's pay
(average of the last 12 weeks of the Claimant's employment) = 498.33
Net week's pay =

Redundancy Pay

2 x 1.5 x 498.33 **1494.99**

Compensatory Award

2 x 498.33 = 996.66 gross
net = £900 **900.00**

Loss of statutory rights **500.00**
1400.00

Notice Pay

2 x 498.33 **996.66**

Compensation for Annual Leave

650.00

37 days had elapsed including notice
Regulation 14 calculation is therefore
28 x [23 +14]/395 = 2.84 days = rounded up to 3 days.
At a daily rate of pay £230 = £690 gross= £650 net.

TOTAL 4,541.65.