



EMPLOYMENT TRIBUNALS

Claimant: Mrs W Gray

Respondent: (1) Secretary of State for Business and Trade
(2) Frosts Photocentre Limited (in voluntary liquidation)

Heard at: Birmingham (by CVP) **On:** 18 September 2024

Before: Employment Judge Edmonds

Representation

Claimant: In person

Respondent: Mr P Soni, lay representative

JUDGMENT

1. The complaint of unauthorised deductions from wages is well-founded. The second respondent made an unauthorised deduction from the claimant's wages in the period 1 to 19 June 2023.
2. The complaint of breach of contract in relation to notice pay is well-founded. The second respondent has failed to pay the claimant in relation to her twelve week notice period.
3. Under section 163 Employment Rights Act 1996 the claimant is entitled to a redundancy payment based on 19 years' service at the date of termination of employment with the second respondent.
4. The complaint in respect of holiday pay is not well-founded and is dismissed. The claimant had no outstanding accrued but untaken holiday at the termination of her employment.
5. The first respondent is liable to pay the claimant in respect of the matters set out above (other than holiday pay) out of the National Insurance Fund, in accordance with section 182 of the Employment Rights Act 1996, and subject always to the relevant statutory caps on such payments.
6. Insufficient time was available at the hearing to calculate the relevant payments. The claimant and first respondent agreed that this was something that they would anticipate being able to do between themselves. In order to do those calculations, the relevant information is as follows:

- a. Start date of employment: June 2004 (19 years service at time of termination);
 - b. Date of termination of employment: 19 June 2023
 - c. Monthly gross salary in June 2023: £1,048
 - d. Period during which unlawful deductions from wages occurred: 1-19 June 2023
 - e. Hours worked per week: 15
7. In the event that agreement has not been reached between the parties as to what sums are owed to the claimant, the parties must write to the Employment Tribunal by **31 October 2024**, explaining what the remaining issue is and asking for the matter to be referred to Employment Judge Edmonds. In the meantime, no remedy hearing will be listed.

Signed by: Employment Judge Edmonds

Signed on: 18 September 2024

Notes

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.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>