



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs S Hamill

**Respondent:** Hoddlesden Village Shop Ltd

**Heard at:** Manchester

**On:** 13 March 2019

**Before:** Employment Judge Morris  
(sitting alone)

## REPRESENTATION:

**Claimant:** Mrs M Thomas-Fisher, the claimant's mother

**Respondent:** Mrs M Booth, the mother of Mrs S Gouldsbrough who is the respondent's owner,

# JUDGMENT

The judgment of the Tribunal is as follows:

1. At the date upon which the respondent terminated the claimant's employment she had (pursuant to the Transfer of Undertakings (Protection of Employment) Regulations 2006) been continuously employed by the respondent for more than six years.
2. In that context, claimant's complaint that the respondent was in breach of her contract of employment by not giving her the full notice of the termination of that contract of employment to which she was entitled is well-founded in that she was entitled to receive six weeks' notice and only received two weeks' notice.
3. In this respect the respondent is ordered to pay to the claimant compensation in respect of the four weeks' notice that she did not receive in the sum of £989.03. Being compensation, that amount has been calculated by reference to the claimant's net pay and any liability to tax or national insurance contributions shall be the liability of the respondent alone.

4. The claimant was dismissed by the respondent by reason of redundancy and, therefore, in accordance with section 135 of the Employment Rights Act 1996, the respondent ought to have paid her a redundancy payment, which it did not.

5. The claimant's complaint that she was entitled to a redundancy payment on the termination of her employment is therefore well-founded.

6. In this respect the respondent is ordered to pay to the claimant compensation for the financial loss sustained by her in the sum of £1,640.70; that being calculated by reference to the essential elements that at the date of termination of her employment the claimant was aged 41 years, had six years' continuous employment and received gross pay of £273.45 per week.

7. Any claim by the claimant that her dismissal by the respondent was unfair was withdrawn by the claimant and is dismissed.

[Note: During the course of the hearing Mrs Booth indicated that it was unlikely that the respondent would be able to pay the claimant the sums ordered. If that turns out to be the case, the claimant should consider seeking advice as to whether all or part of those sums might be recoverable from the Redundancy Payments Service in accordance with section 166 of the Employment Rights Act 1996.]

Employment Judge Morris

Date: 17 March 2019

JUDGMENT SENT TO THE PARTIES ON

27 March 2019

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](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2416997/2018**

Name of case: **Mrs S Hamill** v **Hoddlesden Village Shop Ltd**

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: **27 March 2019**

"the calculation day" is: **28 March 2019**

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

Mr S Harlow  
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/publications/employment-tribunal-hearings-judgment-guide-t426](http://www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426)

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.