



EMPLOYMENT TRIBUNALS

Claimant: Mrs C Clementson

Respondent 1: K&R Confectionery Ltd (in voluntary liquidation)
Respondent 2: Secretary of State for Business, Energy and Industrial Strategy

Heard at: Liverpool Tribunal by CVP

On: 7 March 2023

Before: Employment Judge Shotter

Representation

Claimant: In person
Respondent 1 & 2: Not in attendance

JUDGMENT

The judgment of the Tribunal is that:

- (i) The claim for holiday pay is dismissed on withdrawal.
- (ii) The claimant was dismissed without statutory notice and her wrongful dismissal claim (notice pay) brought under section 182 of the Employment Rights Act 1996 ("ERA") is well-founded. The Tribunal, having determined that the claimant had not lodged her complaint out of time and in the alternative, being satisfied that it was not reasonably practicable to lodge it in time, has jurisdiction to hear the complaint.
- (iii) The first respondent is ordered to pay compensation for wrongful dismissal in the sum of £615.09 (4 weeks less 2-days @ £165.60 per week net, £23.66 per day).
- (iv) The claim for a statutory redundancy payment under sections 166 and 170 of ERA is well-founded. The claimant did, within the six-month time limit specified in section 164(1) of Employment Rights Act 1996,

take the actions prescribed by that subsection by writing to the first respondent. In the ensuing six-month extension period, the claimant referred to the Tribunal a question as to her right to a statutory redundancy payment as envisaged by s.164(2) and it is just and equitable that the claimant should receive a redundancy payment.

- (v) The first respondent is ordered to pay to the claimant, who was 66 years of age as at 23 November 2021 (the effective date of termination), the sum of £1242 (one thousand two hundred and forty two pounds) calculated at 1.5 weeks for 4 years @ £207 gross.

Employment Judge Shotter

Date 7 March 2023

JUDGMENT SENT TO THE PARTIES ON
14 March 2023

FOR THE TRIBUNAL OFFICE

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employmenttribunal-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 ARTICLE 12

Case number: **2410103/2022**

Name of case: **Mrs C Clementson** v **K&R Confectionery Ltd**
(in voluntary liquidation)

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to proceedings to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day, the calculation day, and the stipulated rate of interest** in your case. They are as follows:

the relevant decision day in this case is: 14 March 2023

the calculation day in this case is: 15 March 2023

the stipulated rate of interest is: **8% per annum**.

Mr S Artingstall
For the Employment Tribunal Office

GUIDANCE NOTE

1. There is more information about Tribunal judgments here, which you should read with this guidance note:

www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

If you do not have access to the internet, you can ask for a paper copy by telephoning the Tribunal office dealing with the claim.

2. The payment of interest on Employment Tribunal awards is governed by The Employment Tribunals (Interest) Order 1990. Interest is payable on Employment Tribunal awards if they remain wholly or partly unpaid more than 14 days after the **relevant decision day**. Sums in the award that represent costs or expenses are excluded. Interest starts to accrue from the day immediately after the **relevant decision day**, which is called **the calculation day**.
3. The date of the **relevant decision day** in your case is set out in the Notice. If the judgment is paid in full by that date, no interest will be payable. If the judgment is not paid in full by that date, interest will start to accrue from the next day.
4. Requesting written reasons after you have received a written judgment does **not** change the date of the **relevant decision day**.
5. Interest will be calculated as simple interest accruing from day to day on any part of the sum of money awarded by the Tribunal that remains unpaid.
6. If the person paying the Tribunal award is required to pay part of it to a public authority by way of tax or National Insurance, no interest is payable on that part.
7. If the Secretary of State has claimed any part of the sum awarded by the Tribunal in a recoupment notice, no interest is payable on that part.
8. If the sum awarded is varied, either because the Tribunal reconsiders its own judgment, or following an appeal to the Employment Appeal Tribunal or a higher court, interest will still be payable from **the calculation day** but it will be payable on the new sum not the sum originally awarded.
9. The online information explains how Employment Tribunal awards are enforced. The interest element of an award is enforced in the same way.