



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs R Crossland

**Respondent:** Abbey Education and Care Limited

**HELD by Cloud Video Platform (CVP) (Leeds) ON: 26 October 2022**

**BEFORE: Employment Judge Shulman**

## REPRESENTATION

**Claimant:** In person (from New York)

**Respondent:** Did not appear and was not represented

## JUDGMENT

1. The proper title of the respondent is Abbey Care and Education Limited.
2. The respondent shall pay the claimant the sum of £19,705.68, for unfair dismissal, subject to the Recoupment Regulations.
3. The claims of no redundancy pay and no notice pay are dismissed on withdrawal by the claimant.

## REASONS

1. The Tribunal was notified on behalf of the respondent on 25 October 2022 that it was likely to go into liquidation. A date of 2 November 2022 was mentioned but in any event the Tribunal finds that the respondent was not in liquidation and was shown on the Companies House Register as still being active. Nevertheless the respondent chose not to attend or be represented at the hearing. This meant that the respondent failed to discharge the onus upon it of proving the reason for dismissal and, therefore, Judgment for unfair dismissal was entered in favour of the claimant and the Tribunal then dealt with remedy.

## 2. Remedy

2.1. The Recoupment Regulations apply (see Annexe for explanation for their effect).

2.2. The Tribunal has awarded compensation payable by the respondent to the claimant for unfair dismissal as follows:

2.2.1. Basic award. Gross week's pay £426.92 multiplied by 15 years' service multiplied by the formula 1.5 - £9,605.70.

2.2.2. Compensatory award. Net average weekly pay £369.23. The period for payment of the compensatory award is 26 weeks from 19 May 2022, when the claimant was dismissed. The Tribunal has made this award because following the date of her dismissal the claimant was unwell until the middle of July 2022. She then felt able to apply for jobs, but on making disclosure as to the fact of her dismissal to prospective employers she did not achieve any. She started fostering by 28 August 2022. She has continued to do so without payment. She says she is unlikely to work again. She told the Tribunal that the respondent was getting rid of staff on pretexts and stopped paying for them, including staff on maternity leave. Her case was that she should have been made redundant and the alleged charges against her were trumped up. Compensatory award 26 weeks multiplied by £369.23 = £9,599.98.

2.2.3. Loss of statutory industrial rights - £500.00.

2.3.(i) Grand total £19,705.68.

(ii) Prescribed element £9,599.98.

(iii) Period of prescribed element 19 May 2022 to 18 November 2022.

(iv) Excess of (i) over (ii) £10,105.70.

Employment Judge Shulman

Date 15 November 2022