



EMPLOYMENT TRIBUNALS

Claimant: Mr A Fenna

Respondents: Late Rooms Limited (in Administration)

Heard at: Manchester **On:** 12 February 2021

Before: Employment Judge Holmes In Chambers

RULE 21 JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

The time for presenting a response having expired, and no valid response having been presented by the first respondent within the prescribed time limit, it is the judgment of the tribunal that:

1. The respondent failed to consult with the claimant as a person who may be affected by proposals to dismiss, or measures taken in connection with the dismissal of, 20 or more employees, in breach of s.188(1) of the Trade Union and Labour Relations (Consolidation) Act 1992.
2. The claimant is entitled to, and the Tribunal orders the respondent to pay, a protective award. That award is an award of remuneration for the protected period of 90 days from 2 August 2019.
3. The claimant was dismissed without notice, and was entitled to 7 week's notice. This is the statutory minimum, and supersedes the claimant's one month contractual entitlement.

Notice Pay

7 weeks at £923.00 per week gross - £6,461.00

Less sums earned in new employment :

26 August to 27 September 2019 (gross)- £2,961.54

Notice pay due: **£3,499.46**

This is a gross sum, and the respondent should deduct and account for tax and national insurance (if any) due upon it.

4. The claimant has claimed contractually enhanced redundancy pay. He has received a statutory redundancy payment, but seeks the excess payable under this enhancement. He has provided the Tribunal with a copy of the respondent's Redundancy Policy, which provides for enhanced redundancy payments to be made. The front page of this document, however, expressly states "This policy does not form part of the contract of employment". It lacks, therefore binding contractual status, and this claim must be dismissed.

Employment Judge Holmes

Dated: 12 February 2021

JUDGMENT SENT TO THE PARTIES ON

15 February 2021

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/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.