



EMPLOYMENT TRIBUNALS

Claimant: Mrs Szalata

Respondent: I P Fencing Limited

Heard at: Manchester (by CVP)

On: 9 September 2021
18 October 2021

Before: Employment Judge Ross

REPRESENTATION:

Claimant: In person

Respondent: Mrs K Jones, Finance Director

JUDGMENT

The judgment of the Tribunal is that:

1. The claimant's claim for unfair dismissal under section 95 and section 98 Employment Rights Act 1996 succeeds on the basis that the dismissal was procedurally unfair.
2. The reason for dismissal was redundancy, and the effective date of termination was 30 September 2020.
3. By reason of the principle in *Polkey v AE Dayton Services Ltd*, there is a NIL award for compensation because it was 100% inevitable the claimant would have been fairly dismissed for redundancy by 30 September 2020 in any event, if the Respondent had followed a fair procedure.
4. The claimant's claim for unpaid wages for the period 30 September 2020 to 15 December 2020 is not well-founded and fails.
5. The claimant's claim for a payment in lieu of notice is not well-founded and fails.

Employment Judge Ross

Date: 20 October 2021

JUDGMENT SENT TO THE PARTIES ON

29 October 2021

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.

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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.