



EMPLOYMENT TRIBUNALS

Claimant: Mr Benjamin Swygart

Respondent: Crest Communication Limited

JUDGMENT

1. The claimant was unfairly dismissed by reason of redundancy.
2. The ACAS Code of Practice: Disciplinary and Grievance Procedures 2015 does not apply to redundancy dismissals, so no uplift is appropriate.
3. To award notice pay and the compensatory award from the date of dismissal would amount to double recovery for the same period so no award for notice pay is made.
4. The basic award is the same calculation as the redundancy payment and not awarded twice where the dismissal is unfair.
5. The total award will therefore be £10,153.31 calculated as follows:

Unpaid wages – November 2021	£2227.33 gross
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Accrued holiday pay	£617 gross
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Unfair dismissal

Basic Award

3 weeks pay @ £514 per week gross	£1542 gross
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Compensatory Award

Losses from the date of dismissal 30 November 2021
To the 24 January 2022 when the claimant obtained new
Employment

The prescribed element:

8 weeks at £401.37 net per week	£3210.98
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Loss of statutory rights	£500
Total award for unfair dismissal	£5252.98
Failure to provide written statement of terms And conditions 4 weeks pay @ £514 per week	£2056
TOTAL	<u>£10,153.31</u>

Employment Judge Laidler

Date: 25 August 2022

JUDGMENT SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE

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