



EMPLOYMENT TRIBUNALS

Claimant: Benjamin Swygart

Respondent: Crest Communication Limited

Heard at: Bury St Edmunds

On: 1 August 2023

Before: Employment Judge Laidler (sitting alone)

Representation

Claimant: Mrs L McMullen (Claimant's mother)

Respondent: Not attending and not represented.

UPON APPLICATION made by letter dated 15 September 2022 by the respondent to reconsider the judgment dated 25 August 2022 under rule 71 of the Employment Tribunals Rules of Procedure 2013

JUDGMENT

The judgment is varied to remove the award for failure to provide a written statement of terms and conditions the tribunal being satisfied that one had in fact been provided.

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 £8097.31 calculated as follows:

Unpaid wages – November 2021 £2227.33 gross

Accrued holiday pay £617 gross

Unfair dismissal

Basic Award

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

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

Loss of statutory rights £500

Total award for unfair dismissal £5252.98

TOTAL £8097.31

Employment Judge Laidler

1 August 2023

JUDGMENT SENT TO THE PARTIES ON

12 September 2023

FOR THE TRIBUNAL OFFICE