



EMPLOYMENT TRIBUNALS

Claimant: Mr Jethro Faulkner

Respondent: Ray Seager Scaffolding Services Limited (in creditors voluntary liquidation)

Heard at: Wales ET

On: 2nd February 2024

Before: Employment Judge J Bromige

Representation

Claimant: In Person

Respondent: Did not attend

RULE 21 JUDGMENT

MADE PURSUANT TO RULE 21 OF THE EMPLOYMENT TRIBUNALS RULES OF PROCEDURE 2013

1. The Claimant's claim that he was unfairly dismissed by the Respondent is well-founded.
2. The Respondent further failed to provide the Claimant with written particulars of employment as required by s.1 ERA 1996 and a written statement for his dismissal in breach of s.93 ERA 1996. Both claims are well-founded.
3. For the failure to provide written particulars of employment, the Tribunal considers it just and equitable to award the higher amount of four weeks' pay.
4. The Respondent breached the Claimant's contract of employment by (a) failing to pay him for one week prior to his dismissal and (b) failing to pay him his statutory notice pay.
5. The Tribunal awards the Claimant the following sums:

1. Wrongful Dismissal/Breach of Contract		
1 week of unpaid wages (limited to SSP)	£109.40	
9 weeks of statutory notice pay (gross)	£4140.00	

weekly pay being £460.00) between 22 nd February 2023 to 29 th April 2023		
Total Wrongful Dismissal		£4249.40
2. Unfair Dismissal		
Basic Award 9x 460.00	£4140.00	
Total Basic Award		£4140.00
Compensatory Award – Loss of Earnings from 30 th April – 21 st June 2023 (7 weeks). Net weekly pay of £390.00.	£2730.00	
Loss of Employer Pension Contributions. £13.80 per week for 17 weeks	£234.60	
Loss of Statutory Rights	£500.00	
Expenses incurred looking for new employment	£40.00	
Total Compensatory Award		£3504.60
Failure to provide written particulars of employment. 4 weeks x £460.00	£1840.00	£1840.00
Failure to provide written statement of reasons for dismissal. 2 weeks x £460.00	£920.00	£920.00
GRANT TOTAL		£13,408.64

6. The total amount of the award is £13,408.64. For the purposes of the recoupment provisions:

- a. The total monetary award is £13,408.64
- b. The prescribed element is £2964.60
- c. The prescribed period is 30th April 2023 – 21st June 2023
- d. The balance between the total monetary award and the prescribed element is £10,444.04

7. The sums for wrongful dismissal/breach of contract are awarded gross and the Claimant is responsible for any income tax or employee national insurance contributions which may become due.

I can confirm that this is my judgment in the case numbered above and I have signed the judgment by electronic signature

Employment Judge **J Bromige**

Date: **2nd February 2024**

JUDGMENT SENT TO THE PARTIES ON 5 February 2024

FOR THE TRIBUNAL OFFICE Mr N Roche

Notes

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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