



EMPLOYMENT TRIBUNALS

Claimant: Mr D Lindley

Respondent: Aztec AVA Limited

Heard at: Bristol (remotely by CVP) **On:** 4, 5 and 6 September 2024

Before: Employment Judge Leverton (sitting alone)

Representation

Claimant: Ms Jessica Sharratt, Counsel

Respondent: Mr John Ratledge, Counsel

JUDGMENT

Unfair dismissal

1. The complaint of unfair dismissal is well-founded. The Claimant was unfairly dismissed.
2. The Claimant has received a statutory redundancy payment and the tribunal therefore makes no basic award for unfair dismissal. The Respondent shall pay the Claimant a compensatory award of **£1,069.36**, which represents two weeks' net loss of earnings for the additional period that a fair redundancy dismissal procedure would have taken. Recoupment does not apply.

Failure to provide written statement of employment particulars

3. When the proceedings began, the Respondent was in breach of its duty to provide the Claimant with a written statement of employment particulars.
4. There are no exceptional circumstances that make an award of an amount equal to two weeks' gross pay unjust or inequitable. It is not just and equitable to make an award of an amount equal to four weeks' gross pay. In accordance with section 38 Employment Act 2002, the Respondent shall therefore pay the Claimant **£1,286** (two weeks' gross pay, subject to the statutory cap of £643 per week for 2023/24).

Employment Judge Leverton

6 September 2024

JUDGMENT SENT TO THE PARTIES ON
23rd September 2024

FOR EMPLOYMENT TRIBUNALS

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.

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.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>