



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr. I. Rush

v

K Wilby & Son Limited

Heard at: Bury St Edmunds (CVP)

On: 23 May 2025

Before: Employment Judge Grahame Anderson

Appearances

For the Claimant: Ms. A. Akers (Counsel)

For the Respondents: Mr. J. Newell (Counsel)

JUDGMENT

- (1) The Respondent's application pursuant to r. 21 of the ET Tribunal Rules 2024 to extend time to present a response to the Claimant's claim is refused.
- (2) The Claimant's claims of (i) ordinary unfair dismissal contrary to s. 94 of the Employment Rights Act 1996; (ii) wrongful dismissal (contrary to the Extension of Jurisdiction Order 1994); (iii) unauthorised deduction from wages (contrary to s. 13 of the Employment Rights Act 1996); and (iv) failure to provide written particulars of employment (contrary to s. 38 of the Employment Rights Act 1996) succeed.
- (3) The Respondent shall pay to the Claimant the sum of **£29,446.98**. That sum is made up of:
 - a. Basic award: £14,957.25;
 - b. Compensatory award: £10,723.33;
 - c. Unauthorised deduction from wages: £1,324.40;
 - d. Award for failure to provide written statement: £2,442.00;

- e. There is no further award of notice pay to avoid double recovery.

Approved by:

Employment Judge Grahame Anderson

Date: 23 May 2025

Sent to the parties on: 26/6/2025

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.

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 is likely to be payable in most but not all circumstances. 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/>