



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss M Fletcher

**Respondents:** 1. The Studio (Newbiggin) Ltd (dissolved)  
2. The Secretary of State for Business and Trade

**Heard at:** Newcastle

**On:** 12 February 2026

**Before:** Employment Judge D N Jones

## REPRESENTATION:

**Claimant:** Not in attendance

**Respondents:** Not in attendance.

# JUDGMENT

1. The claimant has referred to the Tribunal a question as to her right to, and the amount of, a redundancy payment within the period of 6 months following the end of the period of 6 months of her dismissal (the first period), and the Tribunal is satisfied it is just and equitable that she should receive a redundancy payment having regard to the reason shown by her for failing to bring the claim within the first period and all the relevant circumstances.

2. The claimant was entitled to a redundancy payment in the amount of £1,372.80.

# REASONS

1. The claimant has brought a claim for a redundancy payment in a claim form presented on 29 August 2025. She was employed as a hair stylist from 20 May 2019 to 6 February 2025 by a company called the Studio (Newbiggin) Ltd, the first respondent. When the claim was brought that company was in voluntary liquidation. On 1 December 2025 it was dissolved. That means it no longer exists. Notwithstanding, the Insolvency Practitioner who had been appointed liquidator for the purpose of the voluntary liquidation and on whom these proceedings were

served, has presented a response on 24 December 2025. The Tribunal has taken into account the information he has submitted.

2. In addition, a representation has been received from the second respondent, dated 17 December 2025. He had been sent the proceedings by the Tribunal under rule 95. He has asked for his written representations to be considered. Although they address a claim made to him by the claimant for other sums in addition to a redundancy payment, this case concerns only a right to a redundancy payment. This is not a complaint to the Tribunal against the second respondent as a party under section 188 of the Employment rights Act 1996 (ERA).

3. The second respondent has explained, at paragraph 4 of his representations, that a claim to him was rejected because he believed no claim had been made to the employer or the Tribunal within 6 months of the end of the employment. With respect to the observation about a claim to the Tribunal, that is correct. According to the claimant her employment ended on 6 February 2025, although the practitioner understood the period of employment was from 20 May 2019 to 7 January 2025. The claim was brought on 29 August 2025, not on or before 5 August 2025.

4. Ordinarily, a claim in which the employer ceases to exist because the company has been dissolved could not proceed. The procedure would then be to stay the claim to allow the claimant the opportunity to have the company restored to the register of companies. If that was not done, the proceedings would be struck out.

5. In this case, however, the proceedings are a reference to the Tribunal as to a right to a redundancy payment and the amount of it under section 164 of the ERA. No order is to be made against the former employer. In those rather unusual circumstances, I am satisfied the Tribunal has jurisdiction to make a declaration as to rights which had accrued when the first respondent still existed, even though, by the date of the hearing, it has been dissolved. If the claimant seeks to enforce that right against the first respondent, she will have to apply for its restoration to the register. Any application to the second respondent for payment, under section 166 of the ERA, will remain a matter for him following this judgment.

6. Section 164 of the ERA provides:

***Claims for redundancy payment.***

*(1) An employee does not have any right to a redundancy payment unless, before the end of the period of six months beginning with the relevant date—*

*(a) the payment has been agreed and paid,*

*(b) the employee has made a claim for the payment by notice in writing given to the employer,*

*(c) a question as to the employee's right to, or the amount of, the payment has been referred to an employment tribunal, or*

*(d) a complaint relating to his dismissal has been presented by the employee under section 111.*

(2) An employee is not deprived of his right to a redundancy payment by subsection (1) if, during the period of six months immediately following the period mentioned in that subsection, the employee—

(a) makes a claim for the payment by notice in writing given to the employer,

(b) refers to an employment tribunal a question as to his right to, or the amount of, the payment, or

(c) presents a complaint relating to his dismissal under section 111, and it appears to the tribunal to be just and equitable that the employee should receive a redundancy payment.

(3) In determining under subsection (2) whether it is just and equitable that an employee should receive a redundancy payment an employment tribunal shall have regard to—

(a) the reason shown by the employee for his failure to take any such step as is referred to in subsection (2) within the period mentioned in subsection (1), and

(b) all the other relevant circumstances. [Emphasis added]

7. In her claim form the claimant wrote,  
“I was made redundant on 06/02/2025 and my daughter completed the redundancy claim on my behalf with me present on 05/08/2025. I thought I had completed this form within the 6 month timeframe, however was informed I had missed the deadline. My claim was so delayed, initially due to my lack of access to a phone, laptop, or internet, therefore the redundancy email and claim. I also suffer from severe anxiety and depression, which was heightened at this time and worsened due to the redundancy. I take medication for anxiety and depression, and during this time sought help from doctors, as well as professionals within the council. My anxiety and depression often prevents me from leaving the house and being able to talk to people, especially when discussions are about a serious matter. When I tried to ask for help (even from family members or friends) I often had panic attacks and would be left unable to discuss the redundancy. I began to feel less anxious by August and asked one of my daughters to help me claim redundancy and she was able to access my reference number and complete the redundancy claim with me”.
8. The claimant did not attend the hearing today. I know not why, although attempts were made by the Tribunal staff to contact her by email and by phone calls. I have considered whether I should dismiss the claim under rule 47, relist it or deal with it on the information before me.
9. If the claimant had attended, there would have been no party to cross examine her. The statement of why she had not presented her claim earlier would be accepted, as a fact. It is not the Tribunal’s function to challenge a party, given it is an independent body.

10. I have no reason to suspect that this is anything but a genuine claim having regard to the contents of the claim form and the response of the non-existent first respondent and the representations of the second respondent. I am satisfied it would be inappropriate to dismiss the claim under rule 47, given the claimant's lack of access to electronic communication, and to postpone the case would cause additional cost in Tribunal time and add further delay.
11. On the material before me, I am satisfied it would be just and equitable for the claimant to receive a redundancy payment. She had sought the assistance of her daughter to submit the claim, had been delayed because of her lack of access to a phone, laptop or the internet and she had severe anxiety and depression which was worsened due to the redundancy. She initially believed the claim had been submitted in time, by 5 August 2025, but eventually managed to submit it when her anxiety had eased and her daughter again provided assistance, by 29 August 2025.
12. On the facts set out above the claimant qualified for a redundancy payment and, under the provisions within section 162 of the ERA, the sum she has identified in the claim form is correct. I make a declaration accordingly.

Approved by:

Employment Judge Jones

Date: 12 February 2026

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