



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 8001854/2025

Hearing held by Cloud Video Platform at Edinburgh on 2 April 2026

Employment Judge M A Macleod

Mr G Rew

**Claimant
In person**

Resolve PHB Ltd

**Respondent
Not present and
not represented**

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The Judgment of the Employment Tribunal is that the claimant's claim of unfair dismissal succeeds, and that the respondent is ordered to pay to him the sum of Three Thousand Seven Hundred and Eighty Pounds (£3,780) by way of statutory redundancy pay and statutory notice pay, in compensation.

REASONS

1. The claimant presented a claim to the Employment Tribunal on 29 July 2025 in which he complained that he had been unfairly dismissed by the respondent.
2. No ET3 was received from the respondent.
3. A Hearing was listed to take place on 2 April 2026 by Cloud Video Platform. The claimant appeared on his own behalf.

4. The respondent did not attend nor were they represented. The claim was therefore undefended.
5. I heard brief evidence from the claimant.
6. Based on the evidence led and the circumstances set out in the claimant's claim, I have reached the following decision.

Discussion and Decision

7. The claimant commenced employment with the respondent on 6 January 2022.
8. On 4 April 2025, the claimant and his colleagues attended the respondent's workplace. The claimant was Lead Engineer. He had received notification the night before that he should attend the office early, but was given no indication or information as to what would be discussed.
9. There the claimant and his colleagues were informed that they were all being made redundant with immediate effect, by Stuart Kerr, their manager. He advised them that the business could not afford to continue to trade and had to close immediately.
10. The claimant was shocked and surprised by this, having had no indication that he and his colleagues would be told this at the meeting. He also experienced a sense of dread, given that he would be losing his livelihood, and would be limited in his ability to earn money so as to look after his family.
11. At the time he was made redundant, the claimant had no knowledge of Employment Tribunals or his right to make a claim in relation to his dismissal or outstanding payments.
12. He was paid until 4 April 2025, but received no notice payment nor did he receive any redundancy payment.
13. He was advised by the respondent that they could not afford to pay him a redundancy payment, and that he could not approach the Insolvency Service or make a claim to the Tribunal without a CA number. The claimant did not understand what this meant, but waited to hear further. No further information or contact came from the respondent. In mid-July, the claimant was advised by former colleagues that he should now make a claim, as there was a time limit within which to do so.
14. On 22 July 2025, the claimant notified ACAS of his intention to make a claim to the Tribunal against the respondent, and on 28 July 2025, the early conciliation process was brought to an end by the issuing of the Early

Conciliation Certificate. ACAS had advised the claimant that he should submit his claim to the Tribunal as soon as possible, and accordingly he did so on 29 July 2025.

15. The first issue for the Tribunal to determine is whether or not the claimant's claim of unfair dismissal should be allowed to proceed, as it was plainly presented beyond the statutory deadline of 3 months from the date of dismissal. The claimant did not benefit from any extension of time from the Early Conciliation process, and he did not notify ACAS until after the expiry of 3 months.
16. Was it, then, not reasonably practicable for the claimant to have presented his claim in time? In my judgment, it was not. While this is a strict test, it is clear that the claimant was unaware of his rights at the time of dismissal, and that he was, in effect, misinformed by the respondent that he had to await a CA number before he could take any action. Only once he was informed by colleagues that he needed to act did he then contact ACAS. Once he did so, he acted very promptly and presented his claim on 29 July 2025.
17. In my view, it was not reasonably practicable for the claimant to have presented his claim in time as he was waiting, albeit erroneously, for a CA number from the respondent. He relied upon that information. Even if the claimant had researched the time limits for presenting claims to the Tribunal, it is unlikely that such research would have addressed the apparent need for a CA number.
18. It is also my view that once he became aware of the true situation, he acted very promptly, and presented his claim within such further time as I would consider to be reasonable.
19. Accordingly, it is my judgment that the Tribunal has jurisdiction to hear the claimant's claim of unfair dismissal.
20. Secondly, was the claimant unfairly dismissed. In my judgment, he was. He was called to a meeting without any warning of dismissal, and was told verbally that his employment was ending without notice. There was no attempt to consult with the claimant and his colleagues, and to be dismissed without warning in such circumstances is in my judgment plainly unfair.
21. Thirdly, what remedy should be granted to the claimant?
22. The claimant's date of birth is 3 February 1986. He was therefore 39 years old at the date of termination of his employment on 4 April 2025.
23. His employment was terminated by reason of redundancy. He is entitled to a redundancy payment.

24. As at the date of termination of his employment, the claimant had 3 years' continuous service with the respondent. In terms of section 162 of the Employment Rights Act 1996, the claimant is therefore entitled to 3 weeks' pay as a redundancy payment. The claimant's gross weekly pay was £720. However, as at 4 April 2025, the maximum statutory sum for a week's pay was £700. Accordingly, the claimant is entitled to a redundancy payment of £2,100.
25. In addition, the claimant is entitled to 3 weeks' notice pay, based on his continuous service of 3 years, at £560 a week, his net pay at termination. He is therefore entitled to notice pay of £1,680.
26. I have considered whether the claimant is entitled to further compensation for unfair dismissal. He secured alternative employment and commenced that new employment on 15 April 2025. He therefore fully mitigated his loss, as his new employment pays him an annual gross salary of £45,000, higher than his salary of £37,440 with the respondent. Accordingly, it is not just and equitable to award any further compensation for wage loss.
27. The claimant's claims therefore succeed, and the respondent is ordered to pay to the claimant the total sum of £3,780.
28. It is noted that the respondent remains active on the Companies House website but according to the claimant has ceased trading.

Date sent to parties

15 April 2026