



EMPLOYMENT TRIBUNALS

Claimant

Mr Paul Ritchie

v

Respondent

Ken Read & Son Limited
(in Administration)

Heard at: Cambridge

On: 7 February 2024

Before: Employment Judge M Ord

Appearances

For the Claimants: In person

For the Respondent: Did not attend and was not represented

JUDGMENT

1. The Claimant's Claims for:-

- 1.1. Unpaid Wages (in the sum of: **£1,730.00**); and
- 1.2. Unfair Dismissal (in the sum of: **£1,060.00**)

Succeed.

2. The Claimant's complaints of Breach of Contract and for a redundancy payment have been satisfied by the Government Insolvency Service and are therefore dismissed on withdrawal.

REASONS

1. The Claimant was employed by the Respondent from 25 January 2000 to 2 June 2023, latterly as Shift Manager. On that day the Claimant was given a letter advising that his employment would end on 16 June 2023.
2. On 16 June 2023, the Respondent company went into administration.
3. The Claimant engaged in Early Conciliation through ACAS from 5 June 2023 to 7 June 2023 and on 10 June 2023 presented his Claim Form to the Employment Tribunal.

4. The Administrator (W A Batty) has consented to these proceedings continuing as required under the Insolvency Act 1986.
5. The Respondent has not submitted a Response to the Claim and has not appeared today.
6. The Claimant was born on 26 December 1957. He has more than 20 years continuous service throughout which period he was over the age of 41.
7. His normal weekly pay was £700 gross, £530 net.
8. The Claimant was unfairly dismissed. He was dismissed without warning and without any prior consultation or discussion.
9. Had the Respondent followed an appropriate process of consultation and discussion, the Claimant would have been fairly dismissed on the ground of redundancy on 16 June 2023.
10. The Claimant was not paid for the last week which he worked, nor for the two weeks between 2 and 16 June 2023.
11. The Claimant's Pension contributions for the last month of his work were not paid to the Pension Service. The Claimant's contributions which were deducted from his wages were £60 and the Respondent's contribution would have been £80.
12. Accordingly, the Claimant has made complaint for unpaid wages / unlawful deduction from wages in the sum of: £1,590.00 for pay and of: £140.00 for Pension contributions making a total of: £1,730.00.
13. The Respondent failed to engage in any meaningful consultation or discussion with the Claimant. The Respondent could and should have done so. That period of consultation and discussion should have lasted two weeks. The Claimant is entitled therefore to two weeks' further pay as compensation for unfair dismissal in the sum of £1,060.00.
14. The total amount due to the Claimant is therefore: **£ 2,790.00** for which sum the Claimant has Judgment.

Employment Judge M Ord

Date: 9 February 2024

Sent to the parties on: 21 February 2024

For the Tribunal Office

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/>