



## EMPLOYMENT TRIBUNALS

**Between**

**Claimants:** Mrs C Humphreys and others (see schedule)  
**Respondent:** The Beer Piper Company Limited (in liquidation)  
**Interested Party:** Secretary of State for Business, Energy and Industrial Strategy

**Heard at London South Employment Tribunal on 21 November 2018**

**Before Employment Judge Baron**

**Representation:**

**Claimants:** Catherine Humphreys  
**Respondent:** The Respondent was not represented  
**Secretary of State:** There was no representation

### JUDGMENT

No response having been presented to the Tribunal by the Respondent it is the judgment of the Tribunal under rule 21 of the Employment Tribunals Rules of Procedure 2013 as follows:

- 1 The Tribunal declares that the complaint made by the Claimants under section 189 of Trade Union & Labour Relations (Consolidation) Act 1992 is well-founded;
- 2 The Tribunal makes a protective award in respect of the Claimants for the period of 90 days from 8 January 2018 and orders the Respondent to pay remuneration to the Claimants for that period;
- 3 The Tribunal finds that the Respondent was in breach of contract in not giving notice to the Claimants of the termination of their employment and orders the Respondent to pay damages to the Claimants in accordance with the schedule below;
- 4 The Tribunal finds that each of the Claimants other than Mrs Humphreys and Miss Head were unfairly dismissed and orders the Respondent to pay a basic award and a compensatory award in accordance with the schedule below.

**Case No: 2300651/2018 and others (see schedule)**

Case number		Claimant	Basic award	Compensatory award (where applicable)	Notice pay
2300651	2018	Humphreys C Mrs	N/A	N/A	£327.75
2300652	2018	Randall A Miss	£14,181.00		£6,255.80
2300653	2018	Arkell A Mr	£4,230.00		£3,507.69
2300654	2018	Morgans A Mr	£8,068.50		£4,590.44
2300655	2018	Elmer L Mr	£4,890.00		£6,880.75
2300656	2018	Boucher C Mr	£8,802.00		£8,956.30
2300657	2018	Richardson K Mrs	£2,978.10		£2,978.10
2300658	2018	Peck M Mrs	£4,500.24		£4,500.24
2300659	2018	Thomas B Mr	£2,132.33	£1,352.31	
2300660	2018	Cunningham J Mr	£13,692.00		£5,289.37
2300661	2018	Lucas R Mr	£5,438.64		£3,618.19
2300662	2018	Peters A Mr	£5,322.12		£2,962.89
2300663	2018	Prowting A Mr	£3,979.35		£3,188.08
2300664	2018	Smith T Mr	£1,181.22		£1,181.22
2300665	2018	Legg C Miss	£3,143.55		£3,143.55
2300666	2018	Glaister R Mrs	£1,116.72		£1,168.12
2300667	2018	Totley K Mr	£9,450.00		£4,270.00
2300668	2018	Barrett I Mr	£3,393.63		£1,871.46
2300669	2018	Henderson D Mr	£5,750.03		£4,324.62
2300670	2018	Head G Miss	N/A	N/A	£1,499.40
2300671	2018	Newton S Mrs	£1,833.30		£1,023.26
2300672	2018	Johnson M Mrs	£7,564.56		£3,245.93

**Employment Judge Baron  
18 January 2019**

Notes:

- 1 Employees have to have been employed for two years to become entitled to the right not to be unfairly dismissed.
- 2 The basic award for unfair dismissal is an arithmetical calculation.
- 3 The compensatory award has been assessed on the length of time which a fair redundancy consultation should have taken, plus £200 to reflect the loss of the right not to be unfairly dismissed. In the circumstances I assess that length of time as one month.
- 4 There cannot be double recovery of both notice pay and a compensatory award for unfair dismissal. Where an employee had the right not to be unfairly dismissed then I am awarding the greater of net pay for the statutory notice period and the compensatory award. Where an employee had not acquired the right not to be unfairly dismissed then the award is made in respect of the statutory notice period only.
- 5 Notice pay has been calculated on a net basis.