



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr T Skinner

**Respondent:** Pilehigh Limited trading as Cherwell Graphics

**Heard at:** Cambridge (by video)

**On:** 23 October 2024

**Before:** Regional Employment Judge Foxwell

**Appearances:**

For the claimant: In person

For the respondent: No appearance

## JUDGMENT

The judgment of the Tribunal is as follows:

1. Under section 163 Employment Rights Act 1996 it is determined that the claimant is entitled to a redundancy payment of **£8,653.85**.
2. The complaint of breach of contract in relation to notice pay is well-founded.
3. The respondent shall pay the claimant **£5,130.96** as damages for breach of contract. This figure has been calculated using gross pay to reflect the likelihood that the claimant will have to pay tax on it as Post Employment Notice Pay.
4. In breach of contract the respondent has failed to make pension contributions on behalf of the claimant and is ordered to pay him damages of **£3,200**.
5. The claimant's claim for holiday pay is dismissed on its withdrawal.

## REASONS

1. The claimant, Mr Tony Skinner, was employed as a printer by the respondent, Pilehigh Limited, which traded as "Cherwell Graphics", between 14 January 2008 and 31 August 2023 when the business closed suddenly.
2. The claimant, who was born in 1986, was aged 38 at the date of his dismissal. He earned £30,000 per annum gross (£576.92 per week).

3. Having gone through early conciliation between 9 and 11 September 2023, on 1 October 2023 he presented complaints to the Tribunal for unpaid notice pay, holiday pay, pension contributions and for a redundancy payment. The claim was initially rejected by the Tribunal because of a problem relating to the name of the respondent but it was accepted following correction of this with effect from 3 December 2023.
4. The respondent has not entered a response to the claim or participated in these proceedings. It has ceased trading and there is currently a proposal to strike it off the register of companies.
5. I am satisfied that the claimant was dismissed by reason of redundancy. He is entitled to a statutory redundancy payment of £8,653.85 having regard to his age, length of service and gross weekly pay.
6. I am also satisfied that he is entitled to a statutory minimum of 12 weeks' pay in lieu of notice. This comes to £6,823.04 but the claimant acknowledged that he received a payment of £1792.08 on account of this and I therefore award £5,130.96 under this head.
7. The claimant also acknowledged payments on account of holiday pay extinguishing this claim, which is therefore dismissed on its withdrawal.
8. I also award the claimant damages assessed at £3,200 for the respondent's breach of contract in not making employer pension contributions on his behalf between March 2016 and the date of his dismissal.
9. I declined to make an award for loss of statutory rights as the claimant's employment would have ended on 31 August 2023 in any event because of the closure of the respondent. I also declined to order an uplift to the sums I have awarded because of a failure to comply with a relevant ACAS Code of Practice as there is none applying to redundancies.
10. The grand total of my awards is £16,984.81.
11. I made the claimant aware that he may be able to recover some of the above award through the Redundancy Payments Service.

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**Regional Employment Judge Foxwell**

23 October 2024

Sent to the parties on:

9 December 2024

T Cadman

For the Tribunal:

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