



THE EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

Respondent

Mr M Chapple

AND

A Belco Limited
(in administration)

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

Held at: North Shields

On: 27 February 2017

Before: Employment Judge Johnson

Appearances

For the Claimant: In person

For the Respondent: No attendance and no appearance

JUDGMENT ON REMEDY

- 1 The claimant's complaint of being automatically unfairly dismissed for making a protected disclosure is well-founded and succeeds. The Respondent is ordered to pay a basic award to the claimant in the sum of £2850
- 2 The claimant's complaint of being subjected to a detriment for making a protected disclosure is well-founded and succeeds. The respondent is ordered to pay to the claimant compensation for injury to feelings in the sum of £12,000.00.

REASONS

- 1 The claimant attended in person and gave evidence under oath. No one attended on behalf of the respondent. The respondent is a company in administration. The administrators have confirmed that they consent to the

proceedings continuing but have stated that no person will attend on behalf of the respondent to give evidence at any hearing. No one attended today on behalf of the respondent.

- 2 The claimant's employment with the respondent commenced on 12 April 2012 and ended when he was dismissed on 25 May 2016. The claimant had four years continuous service. The Tribunal accepted the claimant's evidence that the principal reason why he was dismissed was because he had made a protected disclosure to the respondent relating to matters of health and safety. The claimant was automatically unfairly dismissed pursuant to the provisions of section 100(1)(c). The claimant is entitled to a basic award in the sum of £2850.
- 3 The claimant's evidence today was that he has suffered no other financial loss. However, the claimant wishes to pursue a complaint of being subjected to detriment for making protected disclosures. Those protected disclosures were made several months before the claimant was dismissed. During the intervening period the claimant was subjected to a course of humiliating and derogatory treatment by the respondent, particularly by its chief executive officer Mr Trench. The claimant was frequently called to meetings with directors where he was subjected to false allegations and given threatening warnings. The claimant acts as a foster parent and was threatened with reports being made to the relevant authorities which would impact upon his ability to continue being a foster carer. The claimant found this course of conduct to be extremely upsetting and worrying. The claimant began to suffer from bouts of ill health, in particular proctalgia, which was diagnosed by his doctor as being stress-related. The Tribunal accepted the claimant's evidence that this was entirely due to the treatment he received at the hands of the respondent. The Tribunal found the respondent's treatment to be specifically directed towards the claimant and designed to be threatening and intimidatory. The Tribunal found that the claimant's evidence as to the impact of this treatment upon him was sincere and genuine. The Tribunal found that the correct assessment of damages for injury to feelings was within the middle band of the Vento guidelines and assessed compensation in the sum of £12,000.00.

EMPLOYMENT JUDGE JOHNSON

**JUDGMENT SIGNED BY EMPLOYMENT
JUDGE ON**

2 March 2017

JUDGMENT SENT TO THE PARTIES ON

6 March 2017

AND ENTERED IN THE REGISTER

G Palmer

FOR THE TRIBUNAL