



EMPLOYMENT TRIBUNALS

Claimant: Mr L Smith
Respondent: Brimington Testing Centre Ltd
Heard at: Nottingham
On: Tuesday 24 January 2017
Before: Employment Judge Milgate (sitting alone)

Representation

Claimant: Mr T Herbert of Counsel
Respondent: Mr J Straker, Director

JUDGMENT

1. The Respondent has made an unauthorised deduction from the Claimant's wages and is ordered to pay the Claimant the sum of £383.22, representing one week's gross wages for the week beginning 11 July 2016.
2. The Claimant was dismissed in breach of contract in respect of notice and the Respondent is ordered to pay damages to the Claimant in the sum of £368, representing one week's net wages (£320) plus an uplift of 15% (£48) as a result of the Respondent's failure to follow the 2015 ACAS Code on Disciplinary and Grievance Procedures.
3. The Respondent has failed to pay the Claimant's holiday entitlement and is ordered to pay the Claimant the sum of £766.44 representing 2 weeks' gross holiday pay.
4. The Respondent was in breach of its duty to provide a written statement of particulars of employment to the Claimant and is ordered to pay to the Claimant £766.44 representing 2 weeks' gross pay.
5. The Claimant was unfairly dismissed. The Respondent is ordered to pay compensation of £2,414.76 to the Claimant. This award is comprised of a basic award of £804.76 and a compensatory award of £1,610. These figures are calculated as set out in the schedule to this Judgment.
6. The Respondent is ordered to pay costs to the Claimant under Rule 75(1)(b) of the 2013 Rules of Procedure in the sum of £1,200 in respect of the issue and hearing fee paid by the Claimant in these proceedings.

7. The total payable by the Respondent to the Claimant pursuant to this Judgment is £5,898.86.

Employment Judge Milgate

Date February 8 2017

JUDGMENT SENT TO THE PARTIES ON

13 February 2017

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FOR THE TRIBUNAL OFFICE

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

SCHEDULE

Basic Award

2 x 1.5 x £383.22	1149.66	
This calculation is on the basis that the Claimant had 2 years' continuous employment, was aged 61 at the date of dismissal and his gross weekly pay was £383.22 (an agreed figure)		
Less 30% to reflect the Claimant's contributory conduct	344.89	
TOTAL BASIC AWARD	£804.76	£804.76

Compensatory Award

Loss of statutory rights	400.00	
Loss of 5 weeks' net earnings 5 x £320	1,600.00	
	£2,000.00	
Plus 15% uplift on account of the Respondent's failure to follow the ACAS Code	300.00	
	£2,300.00	
Less 30% to reflect the Claimant's contributory conduct	690.00	
TOTAL COMPENSATORY AWARD	£1,610.00	£1,610.00
TOTAL UNFAIR DISMISSAL AWARD		£2,414.76