



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr S Aughton

**Respondent:** Forest Sofa Ltd

**HELD AT:** Manchester

**ON:** 12 April 2017

**BEFORE:** Employment Judge T Ryan

**Appearances:**

**Claimant:** Mr W Brown, Solicitor

**Respondent:** Ms C Hart, Solicitor

## JUDGMENT

1. The complaint of unfair dismissal is well-founded.
2. The complaint of breach of contract is not well-founded and is dismissed.
3. The complaint of unpaid holiday pay is dismissed upon withdrawal.
4. The respondent is ordered to pay compensation to the claimant in respect of unfair dismissal in the following sums:

**Basic Award**

|                                   |                  |        |
|-----------------------------------|------------------|--------|
| 4 weeks at £384.61                | £1,538.44        |        |
| Reduction - 75% - s. 122 ERA 1996 | <u>-1,153.83</u> |        |
|                                   |                  | 384.61 |

**Compensatory Award**

|   |                  |  |
|---|------------------|--|
| Loss of earnings - 4 weeks at £324.00<br>(limited Polkey v Dayton Services) | 1,296.00         |  |
| Loss of statutory rights  | <u>350.00</u>    |  |
|   | 1,646.00         |  |
| Uplift for respondent's failure to comply<br>with ACAS Code of Practice 20% | 329.20           |  |
| Reduction - 75% - s. 123 ERA 1996   | <u>-1,481.40</u> |  |

493.80  
£878.41

5. The Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply to the award for unfair dismissal.
6. The respondent is ordered to pay the claimant a contribution towards his costs by way of reimbursement of tribunal fees in the sum of £950.00.
7. The claimant is ordered to pay a contribution to the respondent's costs, in respect of unreasonable conduct of the proceedings, in the sum of £1,800.00.
8. The sums awarded under paragraphs 4, 6 and 7 above shall be paid on or before 26 April 2017.
9. Although the tribunal has no power to award a set-off in respect of sums awarded in favour of both parties to a claim, it is open to the parties to agree that the tribunal's awards may be satisfied in that way.

Employment Judge Tom Ryan      26 June 2017

JUDGMENT SENT TO THE PARTIES ON  
26 June 2017  
FOR THE TRIBUNAL OFFICE



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): 2405449/2016

Name of Mr S Aughton v Forest Sofa Limited  
case(s):

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 26 June 2017

"the calculation day" is: **27 June 2017**

"the stipulated rate of interest" is: 8%

MISS L HUNTER  
For the Employment Tribunal Office