



EMPLOYMENT TRIBUNALS

Claimant: Mrs Sheila Hardy

Respondents: (1) The British Horse Society
(2) Mr Alan Hiscox

FINAL HEARING

Heard at: Birmingham **On:** 7 to 11, 14 (deliberations), & 15 August 2017

Before: Employment Judge Camp **Members:** Miss S P Outwin
Miss L S Clark

Appearances

For the claimant: Ms C Urquhart, counsel
For the respondents: Mr R Hignett, counsel

JUDGMENT

1. By consent, all complaints against respondent (1) [The British Horse Society] other than those of unfair and wrongful dismissal, and all complaints whatsoever against respondent (2) [Mr Alan Hiscox], are dismissed upon withdrawal, pursuant to rule 52. This judgment takes effect on 8 August 2017.
2. The claimant was unfairly and wrongfully dismissed.
3. Assuming the remedy for unfair dismissal is compensation only:
 - 3.1 no reduction is to be made to any compensatory award pursuant to the so-called 'Polkey principle' (Polkey v AE Dayton Services Ltd [1987] UKHL 8; see also paragraph 54 of the decision of the Employment Appeal Tribunal in Software 2000 Ltd v Andrews [2007] ICR 825);
 - 3.2 it would be just and equitable to reduce the amount of the claimant's basic award by 20 percent because of blameworthy and/or culpable conduct, pursuant to section 122(2) of the Employment Rights Act 1996 ("ERA");
 - 3.3 the claimant did, by blameworthy and/or culpable actions, cause or contribute to her dismissal and it would be just and equitable to reduce the amount of any compensatory award by 20 percent, pursuant to ERA section 123(6);
 - 3.4 respondent (1) unreasonably failed to comply with ACAS Code of Practice 1 in relation to the claimant's dismissal, and it would be just and equitable in all the circumstances to increase any compensatory award by 10 percent, pursuant to section 207A of the Trade Union & Labour Relations (Consolidation) Act 1992.



4. The judgment in paragraphs 2 and 3 above takes effect on 15 August 2017. Reasons have been reserved and will be provided in writing in due course without the parties needing to ask for them.
5. The parties having, in light of paragraphs 2 and 3 above (and without prejudice to any appeal or application for reconsideration relating to those paragraphs), agreed remedy for unfair and wrongful dismissal, by consent, respondent (1) must pay the claimant by 29 August 2017 the total sum of **£39,382.62** in compensation and damages, made up as follows:
 - 5.1 damages for wrongful dismissal of £5,072.76;
 - 5.2 an unfair dismissal basic award of £11,496.00 (£14,370 less 20%);
 - 5.3 an unfair dismissal compensatory award of £22,759.86 (£25,863.48 less 20% plus 10%).
6. By consent, respondent (1) must by 29 August 2017 pay the claimant the sum of **£618.50** in costs in connection with the cancelled judicial mediation in May 2017.
7. The claimant must pay respondent (1) the sum of **£5,701.25** towards its costs, pursuant to rules 76(1)(a) and (b). By consent, the date by which payment must be made is 29 August 2017.
8. Reasons for the judgment in paragraph 7 above were given orally on 15 August 2017 and written reasons will not be provided unless they are asked for by any party within 14 days of the sending of the written record of the decision.

Employment Judge Camp

16 August 2017

SENT TO THE PARTIES ON 18 August 2017

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FOR THE TRIBUNAL OFFICE