



# EMPLOYMENT TRIBUNALS

**SITTING AT:** LONDON SOUTH  
**BEFORE:** EMPLOYMENT JUDGE FRANCES SPENCER  
**MEMBERS** Ms T Bryant  
Ms C Edwards

**BETWEEN:** Mr A Joseph CLAIMANT  
AND  
Pinnacle Housing Limited RESPONDENT

**ON:** 11<sup>th</sup> October 2017

## **Appearances**

**For the Claimant:** Ms Lazaro, friend  
**For the Respondent:** Mr M Hopkins, solicitor

## REMEDY JUDGMENT

The unanimous Judgment of the Tribunal, following the liability Judgment sent to the parties on 28<sup>th</sup> July 2017, is that:

- (i) If the Respondent had conducted a proper investigation there is a 20% chance that the Claimant would have been dismissed in any event.
- (ii) The Claimant's conduct before the dismissal contributed to his dismissal and pursuant to section 122(2) and 123(6) of The Employment Rights Act 1996 the basic and compensatory awards should be reduced by 60%.
- (iii) The Claimant was unable to work after 29<sup>th</sup> January 2017 for reasons unrelated to the Respondent. However, had he remained employed there is a 50% chance that he could have worked part time for some 10 hours a week.
- (iv) There should be an award for loss of statutory rights assessed at £350.

- (v) The Respondent is ordered to pay the Claimant a basic award of £443.2 and a compensatory award of £1,517 being a total of **£1,960.20** calculated as set out below.

<u>Basic Award</u>	<b>£</b>
4 x 277	1108
Less 60% contribution	<u>664.8</u>
Total Basic Award	<b>443.20</b>
<u>Compensatory Award</u>	
Loss to end January 2017 (15 wks x 237)	3555
Loss of statutory rights	<u>350</u>
	3905
Less monies received (709)	3196
Add 50% of 12 months Loss from February 2017 @10hrs a week	<u>1545</u>
	4741
Deduct Polkey % @20% (948)	3792
Deduct % for contributory fault @60% (2275.20)	
Total compensatory award	<b>1517</b>

The Recoupment Regulations 1996 do not apply to this award.

---

Employment Judge F Spencer  
13<sup>th</sup> October 2017

**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