



EMPLOYMENT TRIBUNALS

Claimant: Mr A Martin

Respondent: PRS Electrical Contractors Limited

Heard at: Manchester

On: 30 August 2018

Before: Employment Judge Sharkett
(sitting alone)

REPRESENTATION:

Claimant: Mr Jaffier, Consultant

Respondent: Mr Henry of Counsel

JUDGMENT

The judgment of the Tribunal is that:

1. The complaint of “automatic” unfair dismissal contrary to section 101A of the Employment Rights Act 1996 is not well-founded and is dismissed.
2. The complaint of “ordinary” unfair dismissal contrary to section 98 of the Employment Rights Act 1996 is well-founded, and it is conceded by the respondent that the claimant was unfairly dismissed.
3. In relation to remedy:
 - (a) There shall be no deduction to the basic or compensatory award by reason of contributory fault.
 - (b) There shall be an increase of 17.5% in the amount of compensation awarded by reason of the respondent’s unreasonable failure to follow the ACAS Code of Practice on Disciplinary and Grievance Procedures; and
 - (c) Applying the principles in **Polkey v A E Dayton Services Limited [1998] ICR 142**, there shall be no reduction to the compensatory award made.
4. The recoupment provisions apply and the award of compensation is calculated as follows:

Basic Award		£978.00
<u>Prescribed Element</u>		
Loss of earnings from date of dismissal to date of hearing less earnings in mitigation	£8,044.70	
Plus 17.5% uplift in respect of the respondent's failure to follow a relevant Code of Practice	<u>£1,407.82</u>	£9,452.52
<u>Non prescribed element</u>		
Future loss of wages for four weeks from date of hearing	£2,057.92	
Loss of statutory rights	£350.00	
Plus an increase of 17.5% by reason of the respondent's failure to follow a relevant Code of Practice	<u>£421.38</u>	<u>£2,829.30</u>
Total monetary award made		£13,259.82
Prescribed element		£9,452.52
Period of prescribed element		
1 March 2018 to 30 August 2018		

5. The amount by which the monetary award exceeds the prescribed element is £3,807.30.

Employment Judge Sharkett

Date_17 September 2018

JUDGMENT SENT TO THE PARTIES ON

27 September 2018
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.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): **2410329/2018**

Name of **Mr A Martin** v **PRS Electrical
Contractors Ltd**
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 to 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: **27 September 2018**

"the calculation day" is: **28 September 2018**

"the stipulated rate of interest" is: **8%**

MRS L WHITE
For the Employment Tribunal Office

EMPLOYMENT TRIBUNALS

To: **DWP**

NOTIFICATION OF RECOUPMENT

Employment Protection (Recoupment of Benefits) Regulations 1996

As required by Regulation 5(1) of the above Regulations, I notify you on behalf of the Secretary of State for the Tribunals of the following Employment Tribunal Award:

Claimant's details	Respondent's details
Name: Mr A Martin	Name: PRS Electrical Contractors Ltd
Address 18 Warwick Avenue	Address Unit D1 Shard View Shard Lane
Thornton-Cleveleys Lancashire FY5 2PZ	Hambleton Lancashire FY6 9BX
Telephone No. 07805137472	Telephone No. 01253 700900
Date of Birth: 09/07/1985	
National Insurance No.	

DETAILS OF AWARD

(a) Monetary award	£13,259.82
(b) Amount of the prescribed element	£9,452.52
(c) Dates of the period to which the prescribed element is attributable	1 March 2018 - 30 August 2018
(d) Amount by which the monetary award exceeds the prescribed element	£3,807.30

Signed	Clerk to the tribunals
Name L WHITE	Dated 27 September 2018