



THE EMPLOYMENT TRIBUNAL

SITTING AT: SOUTHAMPTON

BEFORE: EMPLOYMENT JUDGE EMERTON
MEMBERS: MR N CROSS, MR M RICHARDSON

BETWEEN:

Mr A Haitham
AND
Havant & South Downs College

Mr A Haitham
Claimant

Havant & South Downs College
Respondent

ON: 29 October – 9 November 2018

APPEARANCES:

For the claimant: Ms A Haitham (claimant's sister)
For the respondent: Mr M Palmer (counsel)

JUDGMENT

The unanimous judgment of the tribunal is as follows:

1. The claim of breach of contract (wrongful dismissal) is well founded, on the basis that the claimant was dismissed with pay in lieu of notice when his contract of employment provided only for dismissal with notice.
 - a. The claimant is not entitled to additional holiday pay accruing during the notice period.
 - b. The respondent accepts that the claimant should have been automatically enrolled in the pension scheme prior to the notice period, and is liable to compensate the claimant in respect of pension contributions during the notice period.
2. Compensation for breach of contract: By agreement, **the tribunal orders the respondent to pay the claimant the sum of £1,224.33** in damages. This sum is not liable for any deductions.
3. The claim for outstanding holiday pay at termination is well founded. The claimant was due an additional 2.67 days' holiday pay.

4. Compensation for unpaid holiday pay: By agreement, **the tribunal orders the respondent to pay the claimant the sum of £285.18**. This gross sum may be liable for lawful deductions for tax and national insurance.
5. The claim of unfair dismissal is not well founded.
6. The claims of direct discrimination because of race are not well founded.
7. The claims of direct discrimination because of religion or belief are not well founded.
8. The claim of indirect race discrimination is not well founded.
9. The claims of indirect religion or belief discrimination are not well founded.
10. The claims of harassment related to race are not well founded.
11. The claims of harassment related to religion or belief are not well founded.
12. The claims of victimisation are not well founded.
13. The respondent did not unreasonably fail to comply with the relevant ACAS Codes of Practice. There is no basis for increasing any award payable by virtue of section 207A(2) of the Trade Union and Labour Relations (Consolidation) Act 1992.

Employment Judge Emerton

Date 9 November 2018