



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr S Blackwell

**Respondent:** Lee Dean t/a The Old Harrow

**HELD AT:** Sheffield

**ON:** 2 August 2018

**BEFORE:** Employment Judge Little

## REPRESENTATION:

**Claimant:** Mr T Bernard, Solicitor (Howells)

**Respondent:** In person

# JUDGMENT

My Judgment is that:-

1. The claimant was unfairly dismissed.
2. However if a fair procedure had been followed there was a 25% chance that he would have been fairly dismissed.
3. Further the claimant contributed to the dismissal to the extent of 25%.
4. Accordingly the compensation awarded to the claimant has been subjected to a 50% reduction.
5. The claimant was wrongfully dismissed.
6. The claimant was contractually entitled to be paid for 34.5 hours per week. However for the last 8 weeks employment he was only paid for 30 hours and so his complaint of an unauthorised deduction from wages succeeds.
7. In respect of unfair dismissal the claimant is entitled to a basic award of £2489.17 and a compensatory award of £1872.63 - the calculation of which is set out in the schedule below.
8. In respect of wrongful dismissal the claimant is awarded damages of £2953.08 (see schedule).
9. In respect of unauthorised deduction from wages the claimant is awarded the sum of £280.80.

10. The Recoupment Regulations do not apply.
11. Accordingly the Respondent will pay to the claimant forthwith the total amount of £7595.68.

## SCHEDULE

### Unfair dismissal

#### Basic Award

Claimant aged 48 at EDT with 15 complete years service.

Gross weekly pay £269.10

18.5 x £269.10	=	£4,978.35	
Less 50%		£2,489.17	
(25% Polkey; 25% contribution)			£2,489.17

#### Compensatory Award

##### Loss of earnings

6 March 2018 (end of notice period) to 30 April 2018 (new job)

8 weeks at £246.09 net p.w.		£1,968.72	
Less 50%		£ 984.36	

##### Loss of long notice period

6 weeks (half of 12 week entitlement)

6 x £246.09		£1,476.54	
Less 50%		£ 738.27	

##### Loss of statutory rights

-		£300	
Less 50%		£ 150.00	

#### Wrongful Dismissal

Damages – 12 weeks @ £246.09			£2,953.08
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Unauthorised Deduction from Wages

8 weeks of shortfall @ £35.10 per week £ 280.80

Total £7,595.68

Employment Judge Little  
Date 9<sup>th</sup> August 2018

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.

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