



EMPLOYMENT TRIBUNALS

Claimant: Mr D Barker

Respondent: Pinnacle Living Ltd

Heard at: Manchester

On: 10 April 2019

Before: Employment Judge Sharkett
(sitting alone)

REPRESENTATION:

Claimant: Mrs A McGill (Friend)

Respondent: Mr B Miller (Operations Manager)

JUDGMENT

The judgment of the Tribunal is that:

1. The claimant's claim of unfair dismissal is well-founded and succeeds.
2. The Polkey principles apply to this dismissal to the extent of 100%. The claimant would have been dismissed in any event had a fair procedure been followed.
3. The claimant is awarded two weeks' loss of pay for the time he would have continued to have been employed had a fair procedure been followed **in the sum of £1,040.**
4. The Tribunal makes an award of **four** weeks' pay under section 38 of the Employment Act 2002, by reason of the respondent's failure to provide the claimant with a section 1 written statement of terms and conditions of employment, **in the sum of £2,032.**
5. **The Tribunal makes an award of £400 for the claimant's loss of statutory rights.**
6. A basic award is not payable as the claimant has already received a statutory redundancy payment.

7. The total amount of the award payable to the claimant by the respondent is £3,472.

Employment Judge Sharkett

Date: 30/04/2019

JUDGMENT SENT TO THE PARTIES ON

7 May 2019

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): **2417184/2018**

Name of **Mr D Barker** v **Pinnacle Living 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 in 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: 7 May 2019

"the calculation day" is: 8 May 2019

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

MISS H KRUSZYNA
For the Employment Tribunal Office