



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr T Morris  
**Respondent:** Cut and Pitched Builders Limited  
**Heard at:** Ashford  
**On:** 22 November 2019  
**Before:** Employment Judge Pritchard

**Representation**  
Claimant: Mr M Foster, consultant  
Respondent: No appearance

## JUDGMENT

- 1 The Claimant's claim that he was unfairly dismissed is well founded and accordingly succeeds. The Tribunal makes the following award which the Respondent is ordered to pay the Claimant:

### Basic Award

The Claimant was employed by the Respondent from 8 July 2014 to 21 June 2018 when he was dismissed, aged 28 years, without notice required to be given under section 86 of the Employment Rights Act 1996. Under section 97(1) & (2) the effective date of termination is extended to 12 July 2018.

The Claimant's gross weekly wage was £334.61

Basic award payable is  $4 \times 334.61 =$  **£ 1,338.44**

### Compensatory Award

Loss of statutory rights £ 400.00

Net loss of income from the end of the notional notice period (12 July 2018) to 28 August 2019 when the Claimant fully mitigated his losses:

£ 15,239.18

Uplift of 25% by reason of the Respondent's unreasonable failure to comply with the provisions of the ACAS Code of Practice:  
£ 3,909.77

Total compensatory award £ 19,548.87

Compensatory Award payable (capped in accordance with section 124 of the Employment Rights Act 1996)  
**£ 17,400.00**

*(The provisions of Employment Protection (Recoupment of benefits) Regulations 1996 do not apply)*

- 2 The Respondent breached the Claimant's contract of employment by failing to give him at least three weeks' notice of termination as required under section 86 of the Employment Rights Act 1996 and the Respondent is ordered to pay damages to the Claimant as follows:

3 x £ 334.61 = £ 1,003.83

Uplift of 25% by reason of the Respondent's unreasonable failure to comply with the provisions of the ACAS Code of Practice:  
£ 250.95

Damages payable for breach of contract **£ 1,254.78**

- 3 The Respondent made unlawful deductions from the Claimant's wages and the Respondent is ordered to pay to the Claimant the following:

Arrears of wages/unlawful deductions £ 403.34

Uplift of 25% by reason of the Respondent's unreasonable failure to comply with the provisions of the ACAS Code of Practice:  
£ 100.83

Total sum payable by the Respondent for having made unlawful deductions from wages:  
**£ 504.17**

- 4 The Respondent failed to provide the Claimant with a written statement of employment particulars and the Tribunal finds it just and equitable to increase to the award by an amount equal to four weeks' pay. The Respondent is ordered to pay this sum to the Claimant:

4 x 334.61 = **£ 1,338.44**

**Summary**

Unfair dismissal	
Basic Award	£ 1,338.44
Compensatory Award	£ 17,400.00
Damages for breach of contract	£ 1,254.78
Award for unauthorised deductions	£ 504.17
Award for failure to provide employment particulars	£ 1,338.44

**The total sum payable by the Respondent to the Claimant under this Judgment is £ 21,835.83**

Employment Judge Pritchard

Date: 22 November 2019