



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr M Coxwell

Glenside Manor Healthcare

Services Ltd

Heard at: Southampton

On: 29 January 2020

Before: Employment Judge Rayner

Appearances

For the Claimant: Mr Coxwell in Person

For the Respondent: Mr G Self (Counsel)

JUDGMENT

1. The claimant was automatically and unfairly dismissed contrary to the provisions of the Employment Rights Act section 103A. The principal reason for his dismissal was that he had made public interest disclosures within the meaning of section 43B of the Employment Rights Act 1996 in that he disclosed information in emails dated
 - a. 1 November 2018 about failing heating and lack of inadequately qualified maintenance team;
 - b. 2 November 2018 about broken hoists.
2. The claimant was wrongfully dismissed by the respondent.
3. The claimant contributed to his own dismissal by blameworthy conduct in that he sent an ultimatum to his employer in his email of 2 November 2018 and the compensation awarded in respect of unfair dismissal is reduced by 20%.
4. The respondent failed to comply the ACAS code of conduct applicable in this case to a conduct dismissal, within the meaning of section 207A TULCRA 1992 and the claimants award in respect of unfair dismissal is therefore subject to a 25% uplift.
5. The respondent will pay to the claimant the total sum of **£ 46,882.69** calculated as follows:

Basic award	£787.50	
20% reduction for contributory fault, 25% uplift for ACAS failure		£787.50
Compensation for loss of earnings for period up to end August 2018	£31831.77	
Less proportion of earned income of £750.00	£31081.77	
Additional loss of use of company car of £5602.74	£31081.77 + £5602.74 = £36,684.51	
Less 20 % for contributory fault; followed by 25% uplift for ACAS failure	£36,684.51	£36,684.51
Damage for wrongful dismissal		£9410.68
Total award		£46882.69

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Employment Judge Rayner

Date: 29 January 2020

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