



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr S Ashmore  
**Respondent:** Dibco Precision Engineering Limited

## AT A HEARING

**Heard at:** Leeds by CVP video link      **On:** 3<sup>rd</sup> and 4<sup>th</sup> September 2020  
**Before:** Employment Judge Lancaster

### Representation

**Claimant:** Mr P Sangha, counsel  
**Respondent:** Mr D Bunting, counsel

This has been a remote hearing on the papers which has been consented to by the parties. The form of remote hearing was CVP video platform (V). A face to face hearing was not held because it was not practicable and all issues could be determined in a remote hearing

## JUDGMENT

1. The complaints of unfair dismissal and of an unauthorised deduction from wages for 21<sup>st</sup> October 2019 succeed.
2. The complaint of a further unauthorised deduction from wages in respect of an alleged “week in hand” is dismissed.
3. The complaint of wrongful dismissal (breach of contract) is dismissed.
4. The Claimant’s conduct before termination was such that it is just and equitable to reduce the basic award for unfair dismissal by 100 per cent.
5. It is just and equitable to limit the amount of compensation for unfair dismissal to the period it would have taken to conclude a fair procedure, namely 1 week, but not to reduce it further by reason of any contributory conduct.

6. The Respondent unreasonably failed to comply with the ACAS Code of Practice on Disciplinary Procedures and the compensatory award for unfair dismissal is increased by 20 percent under section 207(A) of the Trade Union and Labour Relations (Consolidation) Act 1992.
7. The Respondent failed to provide a written statement of terms and conditions and the Claimant is awarded an additional 2 weeks' pay under section 38 of the Employment Act 2002
8. The Respondent is ordered to pay compensation to the Claimant as follows:
  - 7.1 Compensatory award for unfair dismissal (limited to 1 week's net pay) £323.21
  - 7.2 A 20 per cent uplift on that award, £64.64
  - 7.3 Gross wages for 21<sup>st</sup> October 2019, £78.80
  - 7.4 Additional award 2 weeks' pay at £394 per week, £788.00

EMPLOYMENT JU DGE LANCASTER

DATE 17<sup>th</sup> September 2020