



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr D Wheatley  
**Respondent:** Union Fasteners Limited  
**Heard at:** Birmingham  
**On:** 12 & 13 October 2020  
**Before:** Employment Judge Flood (sitting alone)

## Representation

**Claimant:** Mr Ennis (Solicitor)  
**Respondent:** Mr Neate (Managing Director of respondent)

# JUDGMENT

1. The claimant's complaint of unfair dismissal succeeds. Applying the principle in *Polkey*, there is a 50% chance that the claimant would have been fairly dismissed if a fair procedure had taken place. The claimant contributed to his dismissal by his conduct and it is just and equitable to make a 50% reduction to both the basic and compensatory award.
2. The respondent unreasonably failed to comply with the ACAS Code of Practice on Disciplinary Procedures and the compensatory award is increased by 15% under section 207(A) of the Trade Union and Labour Relations (Consolidation) Act 1992.
3. The respondent is ordered to pay to the claimant compensation for unfair dismissal as follows:

a. Basic award	£2160
b. Compensatory award	£1368.78
<b>Total compensation</b>	<b>£3528.78</b>

4. The claimant's complaint of breach of contract fails and is dismissed.

**Employment Judge Flood**

Date: 13 October 2020

**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.