



EMPLOYMENT TRIBUNALS

Claimant: Mr P Jones

Respondent: Berkeley Stainless Fittings Ltd

Heard at: Bristol **On:** 17 and 18 December 2020

Before: Employment Judge Midgley
Dr J Miller
Mr H Launder

Appearances

For the Claimant: In person
For the Respondent: Mr Henry, consultant

JUDGMENT

1. The respondent unfairly dismissed the claimant. The claim of unfair dismissal is well founded and succeeds.
2. It would not be just and equitable to make any reduction to the basic or compensatory awards on the grounds of Polkey or contributory conduct.
3. The respondent unreasonably failed to comply with the ACAS Code of Practice relating to disciplinaries and it is just and equitable to increase the compensatory award by 15%.
4. The claim that the claimant was wrongfully dismissed is well founded and succeeds.
5. The claims of age discrimination, failure to provide a written statement of employment particulars and failure to permit the claimant to be accompanied are not well founded and are dismissed.
6. The employer's contract claim is dismissed on its withdrawal by the respondent.

Remedy

7. The parties are to agree the appropriate sums for remedy and notify the Tribunal within 7 days of the date on which this Judgment is sent to the Tribunal.¹

¹ The claimant is awarded his past loss to the date of the hearing (there was no failure to mitigate) and 9 months future loss. Loss of statutory protection at £300.

Employment Judge Midgley

Date: 18 December 2020

Judgment sent to the parties: 14 January 2021

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.