



EMPLOYMENT TRIBUNALS

Claimant: Mr D Ball
Respondent: Attercliffe Liberal Club and Institute Limited
Heard at: Leeds via CVP (video link) **On:** 11 January 2021
Before: Employment Judge Cronin

Representation

Claimant: Mrs J Marsland, lay representative
Respondent: No attendance or representation

This has been a remote hearing which neither party objected to. The form of remote hearing was CVP (video link) (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

The judgment of the employment tribunal is that:

1. The claim for a statutory redundancy payment succeeds and the claimant is entitled to the sum of £3,060.00
2. The claim for unfair dismissal succeeds. However, the claimant is not awarded any compensation with respect to his unfair dismissal complaint because:
 - a. the claimant is not entitled to a basic award as it is extinguished by the payment of a redundancy payment; and
 - b. there is no compensatory award payable because the Tribunal decided that a 100% reduction in the compensatory award shall be made under the principles in *Polkey v A E Dayton Service Limited* 1988 ICR 142 on the basis that the claimant would have been fairly dismissed in any event, even if a fair procedure had been followed.
3. The claim for breach of contract in relation to failure to pay notice pay succeeds and the claimant is awarded the net sum of £1,428.00

4. The respondent has failed to pay the claimant's holiday entitlement and is ordered to pay the claimant the sum of £310.00

Employment Judge Cronin

Date: 11 January 2021