



EMPLOYMENT TRIBUNALS

Claimant: Mr J Thorley
Respondent: Fillet Fish limited t/a Prime Processors

AT A HEARING

Heard at: Hull **On:** 18th March 2021
Before: Employment Judge Lancaster

Representation

Claimant: In person
Respondent: Mr J Jenkins, counsel

JUDGMENT

1. BY CONSENT it is declared that the Claimant was unfairly dismissed.
2. It is not just and equitable to reduce the amount of the basic award under section 122 (2) of the Employment Rights Act 1996.
3. The Respondent has unreasonably failed to comply with the provisions of the ACAS Code of Practice on Disciplinary and Grievance Procedures and it is just and equitable in all the circumstances to increase the amount of the compensatory award by 5 per cent.
4. It is just and equitable in all the circumstances to reduce the amount of the compensatory award by 30 per cent under section 123 (1) of the Employment Rights Act 1996, including taking into account under section 123 (6) those actions of the Claimant which caused or contributed to the dismissal.
5. The Respondent is ordered to pay to the Claimant compensation for unfair dismissal as follows:
 - 5.1 Basic award (calculated on the basis of 3 years 'continuous employment all over the age of forty one, at an agreed figure for a week's pay of £377.00)

£1696.50
 - 5.2 Compensatory award
 - 5.2.1 Loss of earnings 15th April to 17th October 2020 (26 weeks and 3 days) at an agreed weekly net wage of £325.04

£8590.34
 - 5.2.2 Loss of statutory rights

£400.00

Case: 1803781/2020

5.2.3	Increase on the above sums at 5 per cent	<u>+£449.52</u>	
5.2.4	Subtotal	<u>£9439.86</u>	
5.2.5	Reduction at 30 per cent	<u>-£2831.97</u>	
5.2.6	Total		£6607.89

6. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply as follows:

Monetary award		£8304.39
Amount of prescribed element		£6313.90
Dates of prescribed period	15 th April to 17 th October 2020	
Excess of monetary award over prescribed element		£1990.49

(These figure have been amended from those announced in the oral decision because the figure for loss of statutory rights was incorrectly included within the calculation of the prescribe element.)

EMPLOYMENT JU DGE LANCASTER

DATE 19th March 2021