



EMPLOYMENT TRIBUNALS

Claimant: Mr T Cawthorne
Respondent: A V Injection Limited
Heard at: Nottingham Employment Tribunal
On: 24 and 25 March 2021
Before: Employment Judge Phillips (sitting alone)

Representation

Claimant: Ms Harpham, Claimant's partner
Respondent: Ms J Wilson-Theaker of Counsel

JUDGMENT

1. The claimant was unfairly dismissed by the respondent;
2. The claimant's complaint of breach of contract is not well-founded and is dismissed;
3. There shall be an adjustment pursuant to s207A(2) of the Trade Union and Labour Relations (Consolidation) Act 1992 for failure to follow the requirements of the ACAS Code of Practice on Disciplinary and Grievance Procedures in the sum of 20%;
4. A 70% reduction in the basic and compensatory awards pursuant to ss122(2) and 123(6) ERA 1996;
5. A 70% reduction in the compensatory award for unfair dismissal will be made under the principles in *Polkey v A E Dayton Services Limited* 1988 ICR 142;
6. The Respondent shall pay to the Claimant the gross sum of £3639.35 as a basic award; and
7. The Respondent shall pay to the Claimant the net sum of £686.78 as a compensatory award.

Employment Judge Phillips

Date: 25 March 2021

JUDGMENT SENT TO THE PARTIES ON

29 March 2021

FOR THE TRIBUNAL OFFICE

Notes

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.

This was a hybrid remote video hearing owing to the Covid19 pandemic. The Claimant attended in person, along with his representative. The Respondent's Counsel and witnesses attended remotely. The parties did not object to the case being heard in this way. The form of remote hearing was V - video.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.