



THE EMPLOYMENT TRIBUNALS

REMEDY HEARING (CVP)

Claimant: Mr D Taylor

Respondent: Helping Hands Community Care Limited

Heard at: Newcastle upon Tyne Hearing Centre **On:** Wednesday 14th April 2021

Before: Employment Judge Speker OBE DL

Representation:

Claimant: In Person

Respondent: Mr G Ridgeway

JUDGMENT ON REMEDIES

1. Unfair dismissal

The respondent shall pay to the claimant the sum of £8,718.82 including a 20% uplift.

2. Wrongful dismissal

The respondent shall pay to the claimant the sum of £1,600.56 including a 20% uplift.

3. Holiday pay

The respondent shall pay to the claimant the sum of £784.61 including 20% uplift.

4. Failure to provide written statement of terms and conditions

The respondent shall pay to the claimant the sum of £1,333.80.

5. For the purposes of the Employment Protection (Recoupment of Benefits) Regulations 1996 the details are as follows:
 - (a) the total monetary award made to the claimant is £12,437.80;
 - (b) the prescribed element is £5,052.06;
 - (c) the dates of the period to which the prescribed element is attributable are 23rd June 2020 to 20th October 2020;
 - (d) the amount which the monetary award exceeds the prescribed element is £7,385.74.See Annex attached

REASONS

1. This was a remedies hearing held by video following a judgment of the tribunal sent to the parties on 12th February 2021 following a contested hearing on 4th and 12th January 2021. The judgment was in favour of the claimant in relation to his claim of unfair dismissal and other claims. It was ordered that the claimant should file a detailed schedule of loss and that the respondent should file a counter schedule and both of these documents had been served and filed. The claimant's schedule of loss put forward a claim of £43,788 and the respondent's counter schedule put the claim at £8684.
2. At this remedy hearing further details were provided as to the claimant's losses of earnings. He had been under the impression that temporary employment should not be taken into account and he accepted that this was incorrect. He was dismissed by the respondent on 23rd June 2020 for alleged gross misconduct. Following dismissal, he claimed benefits and was awarded universal credit. Eventually he commenced employment as a central blind fitter for Solo Blinds receiving £350.00 per week although he was subsequently furloughed and that remains the position at the present time although he is hopeful of being able to return to that employment.
3. On the evidence available it was appropriate to award to the claimant loss of earnings from 23rd June 2020 to 20th October 2020, when he started work with the blind company and partial loss of earnings between 20th October 2020 and the tribunal hearing on 12th January 2021. There was no evidence or material available to justify further loss of earnings from that time.
4. The claim for pension loss was agreed by the respondent as was the claim for loss of statutory rights.
5. A 20% uplift was applied to the compensatory award based upon the failings of the respondent with regard to ACAS guidelines as set out in detail in the judgment. The basic award was calculated at £1,000.35. The figures used which were based upon up to date figures provided by the respondent as to the average gross and net weekly pay were £333.45 per week gross and £297.18 net.

6. As to wrongful dismissal, an award was made of four weeks pay and an uplift of 20% applied to this. The holiday pay was calculated up to 20th October 2020 as there was no evidence with regard to the claimant's position from the time he commenced his new employment and the total awarded for holiday pay is £784.61 including the same uplift.
7. The claim in relation to the respondent's failure to provide a written statement of terms and conditions of employment was awarded as four weeks pay which is fair and reasonable in the circumstances.
8. The award is affected by the Employment Protection (Recoupment of Benefits) Regulations 1996 SI1996 Number 2349 as indicated above and the appropriate information is set out in the reasons and the annex attached.

EMPLOYMENT JUDGE SPEKER OBE DL

**JUDGMENT SIGNED BY EMPLOYMENT
JUDGE ON 15 April 2021**

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