



EMPLOYMENT TRIBUNALS

Claimant: Mr R Jordan

Respondent: Delta Merseyside Ltd

Heard at: Liverpool Employment Tribunal (by CVP)

On: 17, 18, 19 and 20 May 2021

Before: Employment Judge Dunlop
Ms A Jackson
Mr I Taylor

Representation

Claimant: In person

Respondent: Mr Steel (Solicitor)

JUDGMENT

This has been a remote hearing which has been consented to by the parties. The form of remote hearing was a video hearing, using the tribunal's Cloud Video Platform (CVP). A face to face hearing was not held because it was not practicable in the circumstances of the covid-19 pandemic and all issues could be determined in a remote hearing.

1. The claimant's claim of unfair dismissal under s.94 Employment Rights Act 1996 ("ERA") succeeds. This means the claimant was unfairly dismissed by the respondent.
2. The claimant's claims that he was subjected to detriment on the grounds of having made a protected disclosure (s.47B ERA) and that he was dismissed by reason of having made a protected disclosure (s.103A ERA) are not well-founded and are dismissed. That means that those claims do not succeed.
3. The claimant's claim of wrongful dismissal succeeds. This means that the respondent breached the claimant's contract by failing to pay him notice pay.
4. The Tribunal made the following rulings in relation to remedy:
 - 4.1 The respondent's application to adjourn the question of whether any reduction should be made to the claimant's unfair dismissal award on

just and equitable grounds (under the “Polkey” principle) and/or on the basis of contributory fault was refused.

- 4.2 The Tribunal determined that the claimant’s compensation should be restricted to losses arising in the period of eight months following his dismissal. This reflects the likelihood that the claimant’s employment would have terminated for reasons relating to his involvement with Raggit Ltd.
 - 4.3 The Tribunal determined that the claimant’s compensatory and basic awards should both be reduced by 25% to reflect the claimant’s culpable conduct in relying on a confidentiality agreement between himself and Raggit Ltd to refuse to provide full and frank answers to matters raised with him in his investigatory and disciplinary hearings.
5. A Remedy Hearing will be held on 1 November 2021 to determine the compensation due to the claimant in view of the Tribunal’s findings. Case management orders in respect of that hearing will be recorded in a separate document and sent to the parties.

Employment Judge Dunlop
Date: 20 May 2021

SENT TO THE PARTIES ON
24 May 2021

FOR EMPLOYMENT TRIBUNALS

Note

Reasons for the judgment were given orally at the hearing. The respondent has applied for written reasons and these will be provided in due course. No further request is necessary.

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