



EMPLOYMENT TRIBUNALS

BETWEEN

CLAIMANT

RESPONDENTS

MR T JONES

**V LEGAL SUPPORT SOLUTIONS
LIMITED (1)
ABACUS ACCOUNTING &
FINANCIAL SERVICES LIMITED (2)**

HELD REMOTELY ON: 10 – 14 JANUARY 2022

**BEFORE: EMPLOYMENT JUDGE S POVEY
MRS M WALTERS
MR P PENDLE**

REPRESENTATION:

**FOR THE CLAIMANT: IN PERSON
FOR THE RESPONDENTS: MR HOWSON (CONSULTANT)**

JUDGMENT & REMEDY

The unanimous judgment of the Tribunal is as follows:

1. The Claimant was employed by the First Respondent, not the Second Respondent.
2. The Claimant made protected disclosures as defined by section 43B of the Employment Rights Act 1996 ('the ERA 1996').
3. The Claimant was subjected to detriment by the First Respondent done on the ground that he had made protected disclosures, contrary to section 47B of the ERA 1996.
4. The Claimant was constructively dismissed for the principle reason of making protected disclosures. As such, his dismissal was automatically unfair, as defined by section 103A of the ERA 1996.
5. The Claimant's claim of unauthorised deductions contrary to section 13 of the ERA 1996 was made out in respect of his entitlement to fuel

expenses. He claim in respect of commission payments was not made out and is dismissed.

6. The First Respondent was in breach of its duty to provide particulars of employment per section 1 of the ERA 1996 (as in force at the relevant time).
7. The First Respondent acted unreasonably in how it conducted these proceedings, such that it is appropriate to make a Preparation Time Order ('PTO') in the Claimant's favour. The number of hours in respect of which the PTO is made is assessed at 20.5, at an hourly rate of £40.
8. All claims against the Second Respondent are not made out and are dismissed.
9. The First Respondent must pay the Claimant the sum of £14,607.00, calculated as follows:

	£
1.1. Compensatory Award	9977.00
1.2. Injury to Feelings Award	3000.00
1.3. Unlawful Deductions	120.00
1.4. Section 38 ERA 1996 Award	690.00
1.5. PTO Award	<u>820.00</u>
Total	14607.00

10. The Tribunal was satisfied that the Employment Protection (Recoupment of Jobseeker's Allowance & Income Support) Regulations 1996 do not apply.

EMPLOYMENT JUDGE S POVEY

Dated: 17 January 2022

Order posted to the parties on

19 January 2022

For Secretary of the Tribunals
Mr N Roche