



EMPLOYMENT TRIBUNALS

Claimant: Mr S O'Brien
Respondent: Pride Scaffolding Ltd

Heard at: East London Hearing Centre
On: 12 January 2022
Before: Employment Judge Burgher

Appearances

For the Claimant: In person
For the Respondent: Mr M Winthrop, Solicitor

This has been a remote hearing which has not been objected to by the parties. The form of remote hearing was Cloud Video Platform. A face to face hearing was not held because the relevant matters could be determined in a remote hearing.

RECONSIDERATION REMEDY JUDGMENT

1. The Respondent is ordered to pay the Claimant the total sum of £23,284.54 in respect of his claims. This consists of:
 - 1.1 £21,201.84 for unfair dismissal
 - 1.2 £2,082.70 for wrongful dismissal.
2. The recoupment provisions apply

Prescribed period 17/01/2020 to 23/02/2021

Compensation cap not applied

Total award	£23,284.54
Prescribed element	£17,549.44
Balance	£5735.10

CALCULATION BREAKDOWN

1. Details

Date of birth of claimant	22/10/1958
Date started employment	07/01/2014
Effective Date of Termination	12/12/2019
Period of continuous service (years)	5
Age at Effective Date of Termination	61
Date new equivalent job started or expected to start	29/07/2020
Remedy hearing date	14/01/2022
Date by which employer should no longer be liable	29/07/2020
Contractual notice period (weeks)	5
Statutory notice period (weeks)	5
Net weekly pay at EDT	416.54
Gross weekly pay at EDT	537.00
Gross annual pay at EDT	27,924.00

2. Basic award

Basic award	3,937.50
Number of qualifying weeks (7.5) x Gross weekly pay (525.00)	
Total basic award	3,937.50

3. Damages for wrongful dismissal

Loss of earnings	2,082.70
Damages period (5) x Net weekly pay (416.54)	
Total damages	2,082.70

4. Compensatory award (immediate loss)

Loss of net earnings	11,621.47
Number of weeks (27.9) x Net weekly pay (416.54)	
Plus loss of statutory rights	350.00
Plus loss of commission and/or bonus	1,000.00
Total compensation (immediate loss)	12,971.47

5. Adjustments to total compensatory award

Plus failure by employer to follow statutory procedures @ 25%	3,242.87
Compensatory award before adjustments	12,971.47

Total adjustments to the compensatory award	3,242.87
Compensatory award after adjustments	16,214.34

6. Failure to provide written particulars

Number of weeks (2) x Gross weekly pay (525.00)	1,050.00
Total	1,050.00

7. Summary totals

Basic award	3,937.50
Wrongful dismissal	2,082.70
Compensation award including statutory rights	17,264.34
Total	23,284.54

AFTER COMPENSATION CAP OF £27,924.00 (GROSS ANNUAL PAY)	23,284.54
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8 The recoupment provisions apply to the award.

Prescribed period 17/01/2020 to 12/02/2022

Compensation cap not applied

Total award	£23,284.54
Prescribed element	£17,549.44
Balance	£5,735.10

Employment Judge Burgher
Dated: 25 January 2022