

EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mrs R Hutchinson

v

Avery Homes Hanford Limited

Heard at: **Birmingham (conducted in public on the Cloud Video Platform)** On: **27 and 28 January 2022**

Before: **Employment Judge Kenward (sitting alone)**

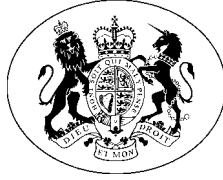
Appearances

For the Claimant: **Ms S Walters (lay representative)**

For the Respondent: **Mr M Carroll (lay representative)**

JUDGMENT

1. The complaint of unfair dismissal is well-founded. This means that the respondent unfairly dismissed the claimant.
2. The respondent is ordered to pay to the claimant compensation for unfair dismissal in the sum of £1,204.33 comprising of:
 - (1) a basic award in the sum of £227.59 (on the basis that the conduct of the claimant before the dismissal was such that it would be just and equitable to reduce the sum calculated of £1,517.30 by 85%);
 - (2) a compensatory award in the sum of £976.74 consisting of a prescribed element (loss of earnings in respect of the period from 12th February 2021 to 28th January 2022) of £802.09 and a non-prescribed element (future loss of earnings and loss of statutory rights) of £174.65, with these sums having been reduced from the sums calculated of £5,166.50 (for the prescribed element) and £1,125.04 (for the non-prescribed element) on the basis of being:
 - (a) subject to a reduction of 85% under the principles in *Polkey v A E Dayton Services Limited* [1988] ICR 142;
 - (b) subject to an increase of 15% by reason of the respondent's failure to comply with the ACAS Code of Practice on disciplinary procedures; and
 - (c) subject to a further reduction of 10% as being just and equitable in respect of the dismissal having been caused or contributed to by any action of the claimant.
3. The claimant's complaint of breach of contract is not well-founded and is dismissed.



Case Number: **1300936/2021**

Signed electronically by me

Employment Judge Kenward

Dated 28th January 2022