



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr N Henry  
**Respondent:** Chubb Fire Limited  
**Heard at:** East London Hearing Centre  
**On:** 7 March 2022  
**Before:** Employment Judge Burgher  
**Members:** Ms B Leverton  
Mr S Woodhouse

## Appearances

**For the Claimant:** Ms B Venkata (Counsel)  
**For the Respondent:** Mr J Platts - Mills (Counsel)

## REMEDY JUDGMENT

1. The Tribunal has, on its own initiative, reconsidered the judgment total delivered in the oral judgment on 7 March 2022 in respect of wrongful dismissal to correct a mathematical error. Instead of £10,014.20 for wrongful dismissal, the award should have been £8100.60 (including 15% uplift).
2. The Claimant unreasonably failed to mitigate his loss from 7 June 2020.
3. £500 is awarded for loss of statutory rights.
4. £1664.00 is awarded for pension loss, pro rating the Claimant's figure.
5. The appropriate uplift to the award for failing to follow the ACAS procedure is 15%.
6. The Respondent is ordered to pay the Claimant the total sum of £27,719.86 in respect of his claims.
7. The breakdown of calculations for the award are as follows:

**1. Details**

Date of birth of claimant	02/04/1959
Date started employment	01/11/1988
Effective Date of Termination	07/01/2020
Period of continuous service (years)	31
Age at Effective Date of Termination	60
Date new equivalent job started or expected to start	07/06/2020
Remedy hearing date	07/03/2022
Date by which employer should no longer be liable	07/06/2020
Contractual notice period (weeks)	12
Statutory notice period (weeks)	12
Net weekly pay at EDT	587.00
Gross weekly pay at EDT	802.44
Gross annual pay at EDT	41,727.03

**2. Basic award**

Basic award	15,487.50
Number of qualifying weeks (29.5) x Gross weekly pay (525.00)	
Less contributory fault (basic award) @ 20%	-3,097.50
<b>Total basic award</b>	<b>12,390.00</b>

**3. Damages for wrongful dismissal**

Loss of earnings	7,044.00
Damages period (12) x Net weekly pay (587.00)	
Plus failure by employer to follow statutory procedures @ 15%	1,056.60
<b>Total damages</b>	<b>8,100.60</b>

**4. Compensatory award (immediate loss)**

Loss of net earnings	5,693.90
Number of weeks (9.7) x Net weekly pay (587.00)	
Plus loss of statutory rights	500.00
Plus loss of pension	1,664.00
Pension loss	1,664.00
Loss of occupational pension	1,664.00
<b>Total compensation (immediate loss)</b>	<b>7,857.90</b>

**5. Adjustments to total compensatory award**

Plus failure by employer to follow statutory procedures @ 15%	1,178.68
Less contributory fault (compensation award) @ 20%	-1,807.32
<b>Compensatory award before adjustments</b>	<b>7,857.90</b>
<b>Total adjustments to the compensatory award</b>	<b>-628.64</b>
<b>Compensatory award after adjustments</b>	<b>7,229.26</b>

**6. Summary totals**

Basic award	12,390.00
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Wrongful dismissal	8,100.60
Compensation award including statutory rights	7,229.26
<b>Total</b>	<b>27,719.86</b>

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**AFTER COMPENSATION CAP OF £41,727.03 (GROSS ANNUAL PAY) £27,719.86**

**8. The Recoupment provisions apply**

8.1	Prescribed period	01/04/2020 to 07/03/2022
8.2	Total award	£27,719.86
8.3	Prescribed element	£4,555.12
8.4	Balance	£23,164.74

**Employment Judge Burgher  
Date: 7 March 2022**