



EMPLOYMENT TRIBUNALS

Claimant: Kenneth Fellows

Respondent: Independent Slitters Limited

Heard at: Birmingham
(Remotely by CVP) **On:** 8 & 9 March 2022

Before: Employment Judge Gilroy QC

Representation

Claimant: In person
Respondent: Ms Badham (Counsel)

JUDGMENT

The judgment of the Tribunal is as follows:

1. The Claimant was unfairly dismissed.
2. There shall be no “Polkey” reduction from the compensation awarded to the Claimant (namely a finding that there was a prospect that the Claimant would have been dismissed in any event had a fair procedure been adopted in relation to his dismissal).
3. The Claimant did not contribute to his dismissal within the meaning of s.123(6) of the Employment Rights Act 1996.
4. In the calculation of the Claimant’s compensation the Tribunal will apply a 15% uplift by reason of the Respondent’s failure to follow the ACAS Code of Practice on Disciplinary and Grievance Procedures 2009.
5. By consent, the Respondent shall pay compensation to the Claimant as follows:

Basic Award	£11,567.00
Compensatory Award	£7,873.61
Sub-Total	£19,440.61
15% ACAS Code uplift	£2,916.09
Total	£22,356.70

6. The Recoupment Regulations apply to this award. The grand total of the award is £22,356.70. The prescribed element is £1,157.74. The period of the prescribed

element is 30 June 2020 to 25 October 2020. The excess of the grand total over the prescribed element is £21,198.96. The annex to this judgment explains the operation of the Recoupment Regulations.

**Employment Judge Gilroy QC
10 March 2022**