



EMPLOYMENT TRIBUNALS

Claimant: Mr C Rowe

Respondent: Macemade Ltd trading as The Boat House Christchurch

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

Heard by: Video

On: 4 and 5 April 2022

Before: Employment Judge Gray

Appearances

For the Claimant: Mr T Rowe (the Claimant's father)

For the Respondent: Mr R Slater (Operations Manager)

JUDGMENT

The judgment of the tribunal is that:

- The complaint of unfair dismissal succeeds. The Claimant was dismissed without fair process, in that there was no formal process or investigation into the matter.
- For these reasons the Claimant is awarded a BASIC AWARD of £1,005.44 (£502.72 x 2).
- However, the Claimant contributed to his dismissal by 100% and the procedural defects made no practical difference to the decision to dismiss, so for those reasons no COMPENSATORY AWARD is made.
- The complaint of breach of contract for notice pay succeeds because the Respondent has not proven beyond reasonable doubt that the Claimant had committed an act of gross misconduct at the time of dismissal.
- The Claimant would have been entitled to 4 weeks' notice pay.

- It is just and equitable to increase that award by 5% for the failure to follow the ACAS code.
- The Claimant is awarded a NOTICE PAY award of £2,111.42 gross (£502.72 x 4 = £2,010.88 + 5% which = £100.54)
- The Respondent is ordered to pay these amounts to the Claimant.

Employment Judge Gray
Dated 5 April 2022

Judgment sent to parties: 19 April 2022

FOR THE TRIBUNAL OFFICE

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.