



EMPLOYMENT TRIBUNALS

Heard at: Exeter (by video) **On: 25 to 28 April 2022**

Claimant: Mr Michael Webb

Respondent: Parkcare Homes (No. 2) Limited

Before: Employment Judge Fowell

Ms R Hewitt-Gray

Mr G Jones

Representation:

Claimant In Person

Respondent Mr Jonathan Heard of counsel

JUDGMENT

1. The claimant's dismissal was unfair.
2. A Polkey deduction is made to the compensation award, reducing it by 75%.
3. The Basic Award is also reduced by 75% for contributory conduct.
4. An uplift of 15% is awarded for breaches of the ACAS Code of Practice.
5. The dismissal was not in breach of contract.
6. The complaints of direct discrimination and harassment are dismissed.
7. The complaints of suffering a detriment at work or dismissal for making a protected disclosure are dismissed.
8. The claimant did not suffer an unlawful deduction from wages.

9. Directions are given below for a further hearing on the assessment of compensation.

CASE MANAGEMENT ORDERS

Please read this Order through carefully and diarise the things you have to do

1. At the conclusion of the hearing on liability neither party could give details of Mr Webb's earnings with the respondent. The assessment of his loss of earnings will therefore be based on the gross monthly figure provided in the claim form, which the respondent did not dispute.
2. No figures were provided by Mr Webb for his subsequent earnings so the Tribunal could not assess his financial loss. Mr Webb must therefore provide the company and the Tribunal, on or before with 27 May 2022, with a breakdown of his earnings since his dismissal.
3. That breakdown shall specify how much was earned, net of tax and NI, from each employer or agency, with dates or approximate dates of the work in question. The breakdown must also include details of any benefits received.
4. In the absence of such information the Tribunal may have to proceed on the basis that he did not suffer any loss of earnings.
5. Also by 27 May 2022, Mr Webb shall supply to the company and the Tribunal copies of any documents he relies on in support of the figures in this breakdown. This may include any payslips, P45s, P60s or bank statements.
6. The company shall, on or before 11 June 2020, reply to Mr Webb and the Tribunal, stating which figures in the breakdown are agreed, which are not agreed and why.
7. A final hearing to assess compensation will take place on **22 July 2022 at 10.00 a.m.** by video hearing, with a time estimate of half a day.

Employment Judge Fowell

Date 27 April 2022

JUDGMENT & REASONS SENT TO THE PARTIES ON

20 May 2022 By Mr J McCormick

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. If any application for anonymity is to be made that should be included with the request for written reasons.