



EMPLOYMENT TRIBUNALS

Claimant: Mr R Smith

Respondent: The Nottinghamshire Golf and Country Club Limited

Heard at: Nottingham

On: 18, 19, 20, 21, 22 July and 22, 23 September 2022

Before: Employment Judge Smith sitting alone

Appearances

For the Claimant: Miss G Nicholls of Counsel

For the Respondent: Mr O Manley of Counsel

JUDGMENT

Made pursuant to the Employment Tribunal Rules of Procedure 2013

1. The Claimant's claim of unfair dismissal is well-founded and succeeds.
2. The conduct of the Claimant before he was given notice was such that, in the judgment of the Tribunal, it is just and equitable to reduce the basic award by a factor of 100%, to nil.
3. The Tribunal having found that the Claimant caused or contributed to his dismissal by his own actions entirely, it is in the judgment of the Tribunal just and equitable to reduce the compensatory award by a factor of 100%, to nil.
4. The Tribunal having found that the Claimant would inevitably have been dismissed as at the effective date of termination had the Respondent acted fairly, in the judgment of the Tribunal any entitlement of the Claimant to a compensatory award for unfair dismissal is reduced by a factor of 100%, to nil.

5. The Respondent did not unreasonably fail to comply with the three paragraphs of the ACAS Code of Practice in relation to disciplinary matters contended for by the Claimant. Accordingly, the Tribunal has no discretion to increase any award of compensation to the Claimant.

Employment Judge Smith
Date: 26 July 2022

Reasons having been given orally at the hearing, written reasons will not be provided unless they were asked for at the hearing or are requested in writing within 14 days of the date of this judgment being set to the parties.