



EMPLOYMENT TRIBUNALS

Claimant: Mr K Clarke-McKnight

Respondent: Frencon Construction Limited

Heard at: London South Employment Tribunal via Video hearing
On: 28-29 September 2022

Before: Employment Judge Youngs

Representation

Claimant: In person

Respondent: Mrs E Afriyie, Consultant

JUDGMENT

- 1) The Claimant was unfairly dismissed.
- 2) A 35% reduction in the compensatory award for unfair dismissal shall be made in accordance with the principles in *Polkey v A E Dayton Services Limited*.
- 3) It is not just and equitable to make a reduction for contributory conduct.
- 4) The Respondent unreasonably failed to comply with the ACAS code on disciplinary procedures such that an uplift to the compensatory award is just and equitable at the level of 20%.
- 5) At the conclusion of the hearing the parties agreed a settlement sum and asked for 28 days for that settlement to be put into effect. The parties must therefore write to the Tribunal by 4 November 2022 to confirm whether the case has been settled, failing which it shall be brought forward for a remedy hearing.

Employment Judge Youngs

Date: 12.10.2022

Note: Reasons for the decision having been given orally at the hearing, written reasons will not be provided unless a written request is received from either party within 14 days of the sending of this record of the decision.

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