



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs Anna Gapper

**Respondent:** Margaret Hanney (trading as the Park Farm House Care Home)

**Heard at:** Bristol ET (via VHS)

**On:** 20-21 November 2022

**Before:** Employment Judge Horder

## Appearances

For the Claimant: In person, represented by her son-in-law Mr Jack Malone

For the Respondent: Ms A Ralph, Litigation Consultant.

# JUDGMENT

The judgment of the Tribunal is that:

1. By agreement of both parties, the name of the Respondent shall be amended to and recorded as Margaret Hanney (trading as the Park Farm House Care Home).
2. The Claimant's claim for unfair dismissal succeeds.
3. A 100% reduction in the compensatory award will be made under the principles in *Polkey v AE Dayton Services Ltd 1988 ICR 142*, save for the period of 7 days post dismissal to reflect the time the Claimant would have remained in receipt of full pay had an adequate disciplinary procedure been followed.
4. The claimant contributed to her dismissal to the extent of 50%, to be applied to the basic award for unfair dismissal only.

5. There should be a 15% increase in the Claimant's compensatory award under section 207A of the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA).

## **REMEDY FOR UNFAIR DISMISSAL**

6. The Claimant is awarded the following amounts in respect of her claim for unfair dismissal:
  - a. Basic award of £1875
    - i. The Claimant was 59 at the date of dismissal on 20.1.22. She had completed 10 years of service and was entitled to one and a half weeks pay for each complete year of service. The Claimant's gross pay was £250 per week.
    - ii. The total award before deductions is £3750 (10 x 1.5 x £250)
    - iii. Direction under s.122(2) for contributory conduct at 50%: £1875
  - b. Compensatory award of £287.50
    - i. 7 days loss of earnings from date of dismissal to reflect additional time that a fair procedure would have taken – agreed at £250
    - ii. Uplift to compensatory award of 15% for failure to follow the ACAS code - £37.50
  - c. Grand Total award: £1875 + £250 + £37.50 = **£1944.50**

Employment Judge Horder  
Date: 22 November 2022

Judgment sent to the Parties: 29 November 2022

FOR THE TRIBUNAL OFFICE