



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr M.J. Kerry

**Respondent:** Vale of Clwyd Mind Association

**HELD AT:** Mold **on:** 14-16<sup>th</sup> December 2022

**BEFORE:** Employment Judge T. Vincent Ryan

## REPRESENTATION:

**Claimant:** Mr R Lassey, Counsel

**Respondent:** Mr K Ali, Counsel

# JUDGMENT

The judgment of the Tribunal is:

1. The claimant was unfairly dismissed by the respondent on 5<sup>th</sup> June 2021 for a reason related to conduct.
2. Such was the risk facing the claimant of his being fairly dismissed in the circumstances, any Compensatory Award would be limited to consequential losses attributable to the action taken by the respondent for a period of one month.
3. The Tribunal considers that it would be just and equitable to reduce any Basic Award by 50% in consideration of the claimant's conduct before dismissal.
4. The Tribunal considers that it would be just and equitable to reduce any Compensatory Award by 50% to reflect the extent that the dismissal was caused or contributed to by the actions of the claimant.
5. The parties settled the claimant's application for an award on terms that they recorded. The remedy hearing is stayed to allow for the terms of settlement to be effected. If neither party applies to the Tribunal in writing by 4pm on 13 January 2023 for the remedy hearing to be restored, the claimant's application for an award consequent upon the above judgment shall be deemed withdrawn and dismissed; in those circumstances this claim will have been concluded and the file closed. The Tribunal did not hear evidence in relation to remedy (save as reflected in the liability judgment at paragraphs 2 - 4

above) nor did it make a final remedy judgment; the recoupment provisions do not apply.

Employment Judge T.V. Ryan

Date: 20 December 2022

JUDGMENT SENT TO THE PARTIES ON 21 December 2022

FOR THE TRIBUNAL OFFICE Mr N Roche

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 (and no such request was made) or a written request is presented by either party within 14 days of the sending of this written record of the decision.