



EMPLOYMENT TRIBUNALS

Claimant: Ms E Hinchcliffe

Respondent: James Montgomery Academy Trust

Heard at: Leeds Employment Tribunal (by CVP) **On:** 25 November 2022

Before: Employment Judge Heathcote (sitting alone)

Representation

Claimant: Mr P Morgan, Counsel.

Respondent: Mr N Grundy, Counsel.

REMEDY JUDGMENT

The decision of the Tribunal is that:

1. The Claimant's application for reinstatement or re-engagement is refused.
2. The Respondent unreasonably failed to comply with the ACAS Code of Practice in relation to disciplinary and grievance and consequently the award due to be paid to the Claimant is uplifted by 10%.
3. The Respondent is ordered to pay compensation to the Claimant for unfair dismissal in accordance with the Schedule below.
4. The Employment Protection (Recoupment of Jobseekers Allowance and Income Support) Regulations apply, and for those purposes:
 - a. The monetary award is £3,473.24;

- b. The amount of the prescribed element is £1,053.58 (being immediate loss of earnings payable as part of the compensatory award and which must be held until the question of recoupment has been resolved);
- c. The prescribed period runs from 21 October 2021 (the effective date of termination) until 25 November 2022 (date of remedy hearing); and
- d. The amount by which the monetary award exceeds the prescribed element is £2,419.66 (following the reservation of the prescribed element and payable to the Claimant immediately).

Schedule

1. The Respondent must pay the Claimant the following awards:
 - a. Basic award (after deductions): **£1,859.49**;
 - b. Compensatory award (after deductions): **£1,613.75***.
2. Consequently, the respondent must pay to the Claimant the **grand total of £3,473.24**.
3. **Explanation of compensatory award:*
 - a. £2,554.13 in respect of lost earnings to 4th January 2022;
 - b. £471.50 in respect of pension loss to 4th January 2022;
 - c. £400 in respect of lost statutory rights;
 - d. £486.50 in respect of the loss of long notice;
 - e. LESS 50% representing a Polkey deduction;
 - f. PLUS an uplift of 10% following the Respondents' unreasonable failure to follow ACAS Code of Practice; and
 - g. LESS 25% for contributory conduct.

Employment Judge Heathcote

Date: 7th December 2022

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.

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