



EMPLOYMENT TRIBUNALS

Claimant: Mr Kevin Thorns
Respondent: Michael Sutton trading as St Margaret's Nursery
Heard at: Southampton ET (via VHS)
On: 3 March 2023
Before: Employment Judge Horder

Appearances

For the Claimant: In person

For the Respondent: Ms J Charalambous

JUDGMENT ON REMEDY

The judgment of the Tribunal is that:

1. The Claimant's application to amend his claim to include a claim for unpaid wages in the sum of £1,803.55 is dismissed.
2. There shall be no deduction from any compensation payable under the principle in *Polkey v AE Dayton Services Ltd.*
3. The Claimant did not contribute to his dismissal by reason of any blameworthy conduct and there shall be no reduction under s.122(2) Employment Rights Act 1996.
4. The Respondent shall pay the Claimant the total sum of £5,298.04 in respect of his unfair dismissal, calculated as follows:
 - a. Basic award in the agreed sum of £1005.10
 - b. Compensatory award of £2,282.74, calculated as follows:
 - i. Loss of earnings including pension loss of £2,580.32 net
 - ii. Loss of statutory rights £500
 - iii. Less the sum paid to the Claimant by the Respondent following his resignation of £1005.10
 - iv. Plus a 10% uplift on account of the Respondent's failure to follow the ACAS Code of Practice on Disciplinary Procedures.

- c. An award of 4 weeks pay under section 38 of the Employment Act 2002 for failure to provide the claimant with a written statement of employment particulars, in the sum of £2010.20

Employment Judge Horder
Dated: 03 March 2023

Sent to Parties on: 20 March 2023

For the Employment Tribunal