



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr Matthew Allen

v

Foster & Son Northampton Ltd

Heard at: Cambridge

On: 9 September 2021 and 17 March 2023

Before: Employment Judge Tynan

Appearances

For the Claimant:

Mr Hitesh Dhorajiwala, Counsel on 9 September 2021.

In person on 17 March 2023.

For the Respondent:

Mr Richard Edgecliffe-Johnson, Director on 9 September 2021.

Did not attend and was not represented on 17 March 2023.

JUDGMENT

1. The Respondent dismissed the Claimant in breach of contract by failing to give him 3 months' notice terminating his employment or to pay him in lieu thereof.
2. The Tribunal orders the Respondent to pay to the Claimant the net sum of **£13,175.01** as damages for breach of contract.

REASONS

1. 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. For the avoidance of doubt, however, the Tribunal has not upheld, and indeed the Respondent has no longer sought to maintain, that the Claimant breached the express or implied terms of his contract of employment such that the Respondent

was entitled to dismiss him summarily or otherwise. Although the Claimant does not have the burden of proof in the matter, the Tribunal is satisfied that: (a) the Claimant did not commit any act of misconduct (or gross misconduct) or other serious wilful breach or non-observance of his contractual obligations; (b) the Respondent did not reasonably believe that the Claimant was materially not performing his duties to a satisfactory standard or was negligent or grossly incompetent in the performance of his duties; (c) the Claimant did not fail to comply with any reasonable lawful directions given to him; (d) the Claimant was not guilty of conduct which, in the reasonable opinion of the Board, had brought, or was likely to bring, himself or any Group Company into serious disrepute or was otherwise likely to significantly damage any Group Company's reputation or interests; and (e) the Claimant did not commit any act of fraud or dishonesty.

Employment Judge Tynan

Date: 17/3/2023

Sent to the parties on: 31/3/2023

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For the Tribunal Office.