



EMPLOYMENT TRIBUNALS

Claimant: Mr S Clarke

Respondent: TF Social Ltd (in creditors voluntary liquidation)

HELD at Sheffield by CVP ON: 22 December 2022

BEFORE: Employment Judge Brain

REPRESENTATION:

Claimant: Mr A Clarke (father)

Respondent: No attendance or representation – appearance not entered

JUDGMENT

The Judgment of the Employment Tribunal is that:

1. The complaint that the respondent made an unauthorised deduction from the claimant's wages stands dismissed.
2. The complaint that the respondent failed to pay to the claimant accrued holiday pay stands dismissed.
3. 3.1. The claimant was wrongfully dismissed by the respondent. The contract of employment was summarily terminated on 27 June 2022 in circumstances where he was entitled to one month's notice of termination.
3.2. The respondent shall pay to the claimant damages for wrongful dismissal in the sum of £2083.00 (being one month's gross wages).
4. 4.1. The respondent unfairly dismissed the claimant. Accordingly:
4.2. The respondent shall pay to the claimant a basic award in the sum of £961.40.
4.3. The respondent shall pay to the claimant a compensatory award in the sum of £4168.18 calculated as follows:

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| (1) Loss of earnings from the expiry of the notional notice period to 15 September 2022 when the claimant acquired new employment (being 1.5 months in total) - | £3124.50 |
| (2) Compensation for loss of the statutory right not to be unfairly dismissed - | £500.00 |
| (3) Uplift for failure to comply with the Acas Code of Practice: Disciplinary and Grievance Procedures @ 15% of the sums in 4.3(1) and 4.3(2) - | £543.68 |
5. The respondent failed to comply with the obligation in Part I of the Employment Rights Act 1996 to furnish the claimant with a statement of employment particulars. Accordingly, pursuant to section 38 of the Employment Act 2002 the respondent shall pay to the claimant two weeks' wages in the sum of £961.40.
6. The respondent shall pay to the claimant the total sum of the amounts in paragraphs 3, 4, 5 and 6 in the sum of £8,173.98. This sum shall be paid on or before 6 January 2023.

Employment Judge Brain

Date 22 December 2022

JUDGMENT SENT TO THE PARTIES ON

FOR THE TRIBUNAL OFFICE

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 or a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employmenttribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

