



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr P Stanton

**Respondent:** Dunwood Specialties Limited

**Heard at:** Leeds via CVP

**On:** 1<sup>st</sup> to 3<sup>rd</sup> August 2023

**Before:** Employment Judge Moxon

## Representation

Claimant: Mr Rice-Birchall, solicitor

Respondent: Mr Mukherjee, counsel

# JUDGMENT

UPON the claimant's complaint of unfair dismissal under the Employment Rights Act 1996:

1. The claimant was unfairly dismissed by the Respondent.
2. The claim for wrongful dismissal fails and is dismissed.

## Remedy

### Basic award

3. The respondent shall pay a basic award of £19,290.

### Compensatory award

4. The respondent shall pay a compensatory award of £7,785.16, consisting of the following:

Loss of earnings:	£24,890.67
Loss of statutory rights:	£500
Loss of pension:	£2,626
Loss of car allowance:	£3,125.10
Total:	£31,140.67

5. There shall be an 80% deduction from the award under the principles in *Polkey v AE Dayton Services Limited*.

£31,140.67 reduced by 80% = £6,228.13

6. The respondent unreasonably failed to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures. The award will be increased by 25%.

£6,228.13 plus 25% = £7,785.16

**Total**

7. The respondent shall pay the basic and compensatory awards to the claimant in the aggregate sum of £27,075.16 (£19,290 + £7,785.16)

Employment Judge **Moxon**

Date: 3<sup>rd</sup> August 2023