



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr M Clarke

**Respondent:** Seeclear Facilities UK Ltd

**Heard at:** London South (by CVP)

**On:** 3 October 2023

**Before:** Employment Judge D Wright

## REPRESENTATION:

**Claimant:** Mr A Clarke, Lay Representative/Power of Attorney

**Respondent:** Mr M Judd, Managing Director.

# JUDGMENT

1. The complaint of unfair dismissal is well-founded. The claimant was unfairly dismissed.
2. There is a 50% chance that the claimant would have been fairly dismissed in any event.
3. The respondent unreasonably failed to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures 2015 and it is just and equitable to increase the compensatory award payable to the claimant by 10% in accordance with s 207A Trade Union & Labour Relations (Consolidation) Act 1992.
4. The respondent shall pay the claimant the following sums:
  - (a) A basic award of **£4,422.50**.
  - (b) A compensatory award of **£2,763.20**.

**Note** that these are actual the sums payable to the claimant after any deductions or uplifts have been applied.

5. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply:
  - a. The total monetary award (i.e. the compensatory award plus basic award) payable to the claimant for unfair dismissal is **£7,185.70**.
  - b. The prescribed element is **£2,763.20**.
  - c. The period of the prescribed element is from **4 April 2023 to 3 October 2023**.
  - d. The difference between (1) and (2) is **£4,422.50**.
6. The respondent is to pay the sum of £4,422.50 to the claimant forthwith.
7. The respondent is to retain the prescribed element until service of a certificate from DWP. Once any recoupment has been made, the balance is to be paid to the claimant as soon as possible.

**Employment Judge D Wright  
3 October 2023**

**Note**

Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party asked for them at the hearing or a party makes a written request within 14 days of the sending of this written record of the decision.

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