



EMPLOYMENT TRIBUNALS

Claimant: Mr Middleditch

Respondent: E & D Roofing Contractors Limited

Heard at: London Central by video (CVP)

On: 28 and 29 September and 9 October 2023

Before: Employment Judge E Burns (sitting alone)

Appearances:

For the Claimant: Ms Omar, Counsel

For the Respondent: Mr Chaumeton (non lawyer)

JUDGMENT

Liability

1. The complaint of unfair dismissal is well-founded. The claimant was unfairly dismissed.
2. 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.
3. The complaint of breach of contract in relation to two weeks' notice pay is well-founded.
4. The complaint of breach of contract in relation to the Respondent's failure to pay the congestion charges incurred by the Claimant is well founded
5. The respondent was in breach of its duty to provide the claimant with a written statement of employment particulars. It is just and equitable to make an award of an amount equal to four weeks' gross pay.

Remedy

6. The respondent shall pay the claimant the following sums within 14 days of the date this judgment is sent to the parties:

Basic Award	£13,989.50
Compensatory Award	
Past losses (wages)	£19,475
Past losses (pension)	649
Future losses	0.00
Loss of Statutory rights	500
Total	£20,624.02
Acas Uplift	£3,461.35
Four weeks additional pay	£2,640.68
Breach of Contract (congestion charges)	£4,500
Overall Total	£40,715.55

7. The Respondent has permission to apply for reconsideration under Rule 70 of the amount due in respect of the congestion charges up to and including 11 January 2024, but only where it can produce evidence that the amount owed is different.

Employment Judge E Burns
11 October 2023

Sent to the parties on:

12/10/2023

For the Tribunals Office