



EMPLOYMENT TRIBUNALS

Claimant: Mr D Foxall

Respondent: Modus Recycling CIC

Heard at: Birmingham (by CVP) **On:** 9, 10, 11 October 2023

Before: Employment Judge Edmonds

Representation

Claimant: Ms T Sandiford, counsel

Respondent: Mr O Lloyd, director

This has been a remote hearing which has not been objected to by the parties. The form of remote hearing was V, Cloud Video Platform (CVP). A face to face hearing was not held because it was not practicable and all issues could be determined in a remote hearing.

JUDGMENT

1. The respondent's name is amended by consent to Modus Recycling CIC.
2. The claimant's claim for automatic unfair dismissal under s43B and/or s103 of the Employment Rights Act 1996 is not well-founded and is dismissed.
3. The claimant's claim for unfair dismissal is well founded. The claimant was unfairly dismissed.
4. 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 25% in accordance with s 207A Trade Union & Labour Relations (Consolidation) Act 1992.
5. The claimant caused or contributed to the dismissal by blameworthy conduct and it is just and equitable to reduce the compensatory award payable to the claimant by 20%.
6. When the proceedings were begun the respondent was in breach of its duty to provide the claimant with a written statement of employment particulars. There are no exceptional circumstances that make an award of an amount equal to two weeks' gross pay unjust or inequitable. It is just

and equitable to make an award of an amount equal to four weeks' gross pay.

7. It is just and equitable to reduce the basic award payable to the claimant by 20% because of the claimant's conduct before the dismissal.
8. The respondent shall therefore pay the claimant the following sums:
 - a. A basic award of **£591.60**
 - b. A compensatory award (including loss of statutory rights) of **£1924.22**

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

Employment Judge Edmonds

Date 11 October 2023

Notes

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.

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