



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr R Cockerell

**Respondent:** UK Windows & Doors Group Limited (In Administration)

**Heard at:** Cardiff

**On:** 13 and 14 November 2023

**Before:** Employment Judge R Harfield

## Representation

**Claimant:** Mr Haran (Counsel)

**Respondent:** Did not attend (Administrators provided prior notification of this)

# JUDGMENT

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 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 10%.
4. It is just and equitable to reduce the basic award payable to the Claimant by 10% because of the claimant's conduct before the dismissal.
5. The Respondent shall pay the Claimant the following sums:
  - (a) A basic award of **£10,416.60** (this is the figure after deduction for contributory conduct).
  - (b) A compensatory award of **£14,100.48** made up as follows:
  - (c) Losses in the notice period **£9622.68** [calculated gross as taxable post-employment notice pay, £809.99 x 12 = £9719.88. 10% uplift for breach of the ACAS Code = £10,691.87. Less 10% contributory

**Case No: 1601177/2023**

conduct = £9622.68]. The Claimant's counsel gave me the figure of £7716.00 which I approved orally. However, when drawing up this written Judgment I noted it was based on an incorrect gross weekly pay figure. Under Rule 70 of the Employment Tribunal Rules of Procedure on my own initiative I therefore reconsider that oral Judgment and vary the figure awarded as it is necessary in the interests of justice to do so.

- (d) Losses from end of notice period to 2 October 2023 **£4477.80**:
- (i) Lost net pay £14,431.20
  - (j) Less sum earned in mitigation of £9908.16 = £4523.04
  - (k) Plus 10% uplift for breach of the ACAS Code = £4975.34
  - (l) Less 10% deduction for contributory conduct = £4477.80
6. The Employment Protection (Recoupment of Benefits) Regulations 1996 do apply as the Claimant was not in receipt of benefits in the period.
7. The Claimant 21 days in which to make any application in writing for permission to amend to add a complaint of wrongful dismissal.

---

Employment Judge R Harfield

Date 15 November 2023

JUDGMENT SENT TO THE PARTIES ON 16 November 2023

FOR THE TRIBUNAL OFFICE Mr N Roche

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.

**Public access to employment tribunal decisions**

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