



EMPLOYMENT TRIBUNALS

Claimant: Mr A Wright

Respondents: (1) Callie Best
(2) Angela Beaston
(3) Natasha Beaston
(4) Jennifer Post
(5) Brian Breen

as trustees of Gateway North East (a registered charity)

Heard at: Newcastle Employment Tribunal

On: 5th, 6th and 20th October 2023

Before: Employment Judge Sweeney
Stuart Moules
Steve Wykes

Appearances

For the Claimant, In person

For the Respondent, Ms J Fearn

JUDGMENT

1. The Claimant's claim of ordinary unfair dismissal is well-founded and succeeds.
2. The Claimant's claim that he was automatically unfairly dismissed on grounds that he made a protected disclosure is not well-founded and is dismissed.
3. The Claimant's claim under section 48 Employment Rights Act 1996 that he was subjected to a detriment in contravention of section 47B of that Act is not well-founded and is dismissed.
4. The Respondent unreasonably failed to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures. The compensatory award is increased by 10%.
5. At the date of commencement of proceedings, the Respondent was in breach of section 4 Employment Rights Act 1996.

REMEDY

6. The Respondent is ordered to pay to the Claimant the sum of **£22,943.73** consisting of:
 - a. A Basic Award of **£2,880**
 - b. A Compensatory Award of **£20,063.73**
7. **For the purposes of the Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 Regulations the Prescribed Period is 06 January 2022 to 15 March 2023. The Total Award payable is £22,943.73 and the Prescribed Element is £18,745.73.**
8. The calculations in arriving at the above amounts are as follows:

BASIC AWARD:

£2,880 (£384 X 1.5 X 5 years' service)

COMPENSATORY AWARD:

£20,063.73 consisting of:

- a. £16,338.85 (loss of salary from 06 January 2022 to 15 March 2023: no losses having been claimed in the period after 15/03/2023)
- b. £702.72 (loss of pension 06 January 2022 to 15 March 2023: no losses having been claimed in the period after 15/03/2023)
- c. £500 (loss of statutory rights)
- d. £1,754.16 (10% uplift pursuant to section 207A Trade Union and Labour Relations (Consolidation) Act 1992)
- e. £768 (payment of two weeks' pay pursuant to section 38 Employment Act 2002 for failure to provide updated particulars in contravention of section 4 Employment Rights Act 1996)

TOTAL OF BASIC AWARD AND COMPENSATORY AWARD = £22,943.73

9. The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 Regulations apply to the compensatory award in respect of immediate loss of earnings for the period covered by the award, being 06 January 2022 to 15 March 2023. We have applied the Regulations as follows:
 - a. Prescribed Period: 06/01/2022 to 15/03/2023
 - b. Prescribed Element: **£18,745.73**
10. The Prescribed Element is calculated as follows:

- a. Loss of earnings from 06/01/2022 to 15/03/2023 = £17,041.57
- b. Increased by 10% under section 207A Trade Union and Labour Relations (Consolidation) Act 1992) = £18,745.73

(Note: the figure of £20,140.52 for the compensatory award and the total figure of £23,020.52 which were stated orally at the hearing were incorrect. The correct amounts as are set out in this judgment. Namely £20,063.73 and £22,943.73)

Employment Judge **Sweeney**

Date: 30 October 2023

Note

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.