



EMPLOYMENT TRIBUNALS

Claimant: Mr Bonev

Respondent: Headstart APP Ltd

Heard at London Central (by CVP)

On: 16 November 2023

Before Employment Judge Shukla (sitting alone)

Representation

Claimant In person

Respondent No appearance

JUDGMENT

1. The complaints of unauthorised deductions from pay in relation to pay for March to 25 May 2023 (inclusive), and unfair dismissal, are well-founded. 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 sums payable to the claimant by 25% in accordance with s. 207A Trade Union and Labour Relations (Consolidation) Act 1992.
2. In relation to the complaint for unauthorised deductions from pay, the respondent is ordered to pay the claimant the gross sum of £36,943 $((£10,531 \times 2) + (£10,531 \times 25/31)) \times 1.25$ which is the gross sum deducted and a 25% uplift. The claimant is responsible for the payment of any tax or National Insurance.
3. In relation to the complaint for unfair dismissal, the respondent shall pay the claimant the following sums.
 - a. A basic award of £2,572 ($£643 \times 4$ weeks) (ACAS uplift not applicable).
 - b. Compensatory award of: £16,985, calculated as follows:

Loss of statutory rights	£600
Loss of gross salary during notice period of 1 month (on Norton Tool principles, gross because taxable as post employment notice pay)	£10,531
Difference between net salary in former position, and in current post from expiry of notice period (for 3 months)	£2,457 $((10,531-9166) \times 0.6 \times 3)$
TOTAL	£13,588
TOTAL PLUS ACAS UPLIFT	£16,985

4. The complaint of breach of contract in relation to notice pay is well-founded. No damages are awarded for this, as the claimant's loss arising from his wrongful dismissal have been taken into account in his compensatory award for unfair dismissal.

Employment Judge Shukla
16/11/2023

JUDGMENT SENT TO THE PARTIES ON
04/12/2023

FOR THE TRIBUNALS