



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr. K Gatens

**Respondent :** Riverside Beach Hotel Ltd.

**Heard at:** Newcastle CFCTC by CVP      **On:** 27<sup>th</sup> of November 2023

**Before:** Employment Judge Gowland

## Representation

**Claimant:** In person

**Respondent :** Mr. E Gribben - Director

# JUDGMENT

1. Mr. Gatens' claim of unfair dismissal is well founded and succeeds;
2. Mr. Gatens is awarded the following sums:
  - a) Total award £3639.65, calculated as set out below.
  - b) Basic award (unfair dismissal) £3377.88 less contributory fault deduction of 25%, = £2533.41.
  - c) Compensatory award (unfair dismissal) £1061.54 loss of earnings plus £400 loss of statutory rights and £111.75 loss of pension and Class 1 NIC.
  - d) The following adjustments to the total Compensatory award were made in this order;
    - 25% Polkey deduction to reflect the likelihood of dismissal had correct procedures been followed,
    - 25% addition for a failure of the employer to follow statutory procedures,
    - 25% deduction for contributory fault,
    - Total adjusted compensatory award is £1106.24.
3. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply.
  - a) The monetary award for unfair dismissal is £3639.65.

- b) The prescribed element from the date of dismissal to the date of the remedy hearing is, £796.16.
- c) The applicable dates for the prescribed element are 29<sup>th</sup> of April 2023 to 27<sup>th</sup> of November 2023.
- d) The difference between the total monetary award and the prescribed element is £2843.50.

---

Employment Judge Gowland

Date: 27th November 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.

#### **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.