



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr J Herbison  
**Respondent:** Foley Haulage Limited  
**Heard at:** Watford Employment Tribunal (In Public; In Person)  
**On:** 14, 15, 16 February 2024  
**Before:** Employment Judge Quill; Ms J Hancock; Mr P Miller

## Appearances

For the Claimant: In Person  
For the respondent: Mr M Akram, counsel

## LIABILITY JUDGMENT

1. The principal reason for the Claimant's dismissal was that he had made protected disclosures. Therefore, his dismissal fell within the definition in section 103A of the Employment Rights Act 1996 and was an unfair dismissal.
2. The Claimant's employment contract was breached in that there was an underpayment to his entitlement to pay in lieu of notice.

## REMEDY JUDGMENT

3. The Respondent is ordered to pay the Claimant the sum of **£5,050.24**.
4. This is a different amount to the figure which was announced orally, and the breakdown is as shown below.
5. The agreed amount for breach of contract is £58.75.
6. The basic award for unfair dismissal is £571.
7. The financial loss flowing from the unfair dismissal is £3,524.64.
8. There is an uplift in of 25% for unreasonable failure to comply with ACAS Code (section 207A Trade Union and Labour Relations (Consolidation) Act 1992 and section 124A of the Employment Rights Act 1996).
9. The uplift is  $[(£58.75 + £3524.64) \times 0.25 =] £895.85$ .

10. Therefore, the total payable is £5,050.24, being
  - 10.1. £58.75
  - 10.2. £571.00
  - 10.3. £3,524.64.
  - 10.4. £895.85
11. The incorrect figure of £5192.99 was announced at the hearing. This is because that figure wrongly applied a 25% uplift to the basic award.
12. The Claimant did not receive relevant benefits and the Recoupment Regulations do not apply.

## **Employment Judge Quill**

Date: 16 February 2024

JUDGMENT SENT TO THE PARTIES ON

5 March 2024

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FOR THE TRIBUNAL OFFICE

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