



EMPLOYMENT TRIBUNALS

Claimant: Mr Wayne David Fletcher

Respondents: Duchy Farm Kennels Ltd

Record of a Remedy Hearing at the Employment Tribunal

Heard at: Lincoln **Heard on:** 4 October 2023

Before: Employment Judge Hutchinson (sitting alone)

Appearances:

Claimant: In person
Respondent: No appearance

JUDGMENT

The Employment Judge gave Judgment as follows:

1. Under section 163 Employment Rights Act 1996 it is determined that the Claimant is entitled to a redundancy payment of **£11,134.50**.
2. The complaint of breach of contract in relation to notice pay is well founded. The Respondent shall pay the Claimant **£6,662.88** as damages for breach of contract.
3. The complaint of unfair dismissal is well founded. The Claimant was unfairly dismissed. The Respondent shall pay the Claimant the following sums:
 - 3.1. A compensatory award of **£5,967.43**.

4. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply.
 - (a) The total monetary award payable to the Claimant for unfair dismissal is **£5,967.43**.
 - (b) The prescribed element is **£4,273.97**.
 - (c) The period of the prescribed element is 10 February 2023 until 4 October 2023.
 - (d) The difference between (a) and (b) is **£1,693.46**.
5. The complaint of unauthorised deductions from wages is well founded. The Respondent shall pay the Claimant **£4,091.40 gross**.
6. The complaint in respect of holiday pay is well founded. The Respondent shall pay the Claimant **£1,185.60**.
7. When the proceedings were begun the Respondent was in breach of its duty to provide the Claimant with a written statement of employment particulars. There are no exceptional circumstances that make an award of an amount equal to 2 weeks gross pay unjust or inequitable. It is just and equitable to make an award of an amount equal to 4 weeks gross pay. In accordance with section 38 Employment Act 2002 the Respondent shall therefore pay the Claimant **£2,284.00**.
8. The total compensation payable by the Respondent to the Claimant is **£31,325.81**

Employment Judge Hutchinson

Date: 12 October 2023

JUDGMENT SENT TO THE PARTIES ON

....24 November 2023.....

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FOR THE TRIBUNAL OFFICE

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.

Public access to employment tribunal decisions

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