



EMPLOYMENT TRIBUNALS

Claimant: Mr L Haddow

Respondent: The Famous Virgins & Castle Ltd

Heard at: Midlands West (by CVP)

On: 11 March 2024

Before: Employment Judge Dean

REPRESENTATION:

Claimant: In person

Respondent: no appearance entered

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

The respondent having failed to present a response to the complaints the judgment of the Tribunal following a hearing is as follows:

Wages

1. The complaint of unauthorised deductions from wages is well-founded. The respondent made an unauthorised deduction from the claimant's wages in the period **1 September to 5 December 2021**.
2. The respondent shall forthwith pay the claimant **£4,813.54**, which is the gross sum deducted. The claimant is responsible for the payment of any tax or National Insurance.

Notice Pay

3. The complaint of breach of contract in relation to notice pay is well-founded.

4. The respondent shall forthwith pay the claimant **£852.56** as damages for breach of contract. This figure has been calculated using gross pay to reflect the likelihood that the claimant will have to pay tax on it as Post Employment Notice Pay.

Holiday Pay

5. The complaint in respect of holiday pay is well-founded. The respondent made an unauthorised deduction from the claimant's wages by failing to pay the claimant for holidays accrued but not taken on the date the claimant's employment ended.
6. The respondent shall pay the claimant **£1,705.12** gross forthwith. The claimant is responsible for paying any tax or National Insurance.

Disability Discrimination complaint

7. At the relevant times the claimant was a disabled person as defined by section 6 Equality Act 2010 because of bilateral impingement of the hip.
8. The complaint of unfavourable treatment because of something arising in consequence of disability is well-founded and succeeds.
9. The complaint of failure to make reasonable adjustments for disability is well-founded and succeeds.
10. 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 compensatory award payable to the claimant by **25%** in accordance with s 207A Trade Union & Labour Relations (Consolidation) Act 1992.
11. The respondent shall pay the claimant the following sums:
 - a. Compensation for loss of earnings for 17 weeks pay to assessment date in excess of the unfair dismissal compensation limited to 52 weeks: **£6306.15.**
 - b. Compensation for injury to feelings: **£5,000.00;**
 - c. Interest on compensation for injury to feelings calculated at 8% in accordance with the Employment Tribunals (Interest on Awards in Discrimination Cases) Regulations 1996: **£532.60.**

Unfair Dismissal

12. The complaint of unfair dismissal is well-founded. The claimant was unfairly dismissed.

13. The respondent shall pay the claimant compensation in the sum of **£23019.12** which comprises the following sums:
 - a. A basic award of **£852.56**.
 - b. A compensatory award of **£22166.56**. [*maximum 52 weeks' pay under s123 Employment Rights Act 1996*]

Non-compliance with ACAS Code

14. 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 compensatory award payable to the claimant by **25%** in accordance with s 207A Trade Union & Labour Relations (Consolidation) Act 1992.
15. The respondent is ordered to pay to the claimant in addition to the monetary award the increased sum to the compensation award in the sum of **£5754.78** .

Grand Total

The Tribunal has ordered the respondent to pay to the claimant the grand total sum of **£47,983.87** as detailed at paragraphs 1 to 15 above.

**Employment Judge Dean
14 March 2024**

Note

Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party asked for them at the hearing or a party makes a written request within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

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