



EMPLOYMENT TRIBUNALS

Claimant: Mr R Tattersdale

Respondent: Brookes Mechanical Ltd

On: 10 May 2024

Before: Employment Judge McAvoy News

Heard at: Leeds Employment Tribunal (via CVP)

Appearances:

For the Claimant: Ms Hickin, Counsel

For the Respondent: Did not attend

JUDGMENT

1. In accordance with Rule 47 of Schedule 1 of The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, I decided to proceed with the hearing in the absence of the Respondent.
2. The Claimant has been unfairly dismissed contrary to section 98 of the Employment Rights Act 1996. This claim is well-founded and succeeds.
3. The Respondent did unreasonably fail to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures. It is just and equitable to award an uplift to the compensatory award of 15%.
4. The Claimant is entitled to a:
 - a. basic award of **£4,822.50**; and
 - b. compensatory award of **£19,780.43**.

5. As the figure for the compensatory award differs from that given during my oral judgment, to assist the parties, it has been calculated as follows:
 - a. Immediate loss of earnings: £8,109.33;
 - b. Future loss of earnings: £7,114.64;
 - c. Loss of employer pension contributions: £1,526.40;
 - d. Loss of statutory rights: £450; and
 - e. 15% uplift due to the Respondent's unreasonable failure to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures: £2,580.06.
6. The Claimant has suffered an unauthorised deduction from his wages, contrary to section 13 of the Employment Rights Act 1996, in respect to holiday pay due to be paid to him on the termination of his employment. This claim is well-founded and succeeds. The Respondent is ordered to pay the gross sum of **£1,512**.
7. The Claimant's claim for breach of contract pursuant to the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994/1623 is well-founded and succeeds in respect to the Claimant's entitlement to notice pay and his entitlement to a payment for unpaid expenses. The Respondent is ordered to pay the gross sum of **£8,338.25**
8. The Claimant is responsible for the payment of any income tax and/or national insurance contributions that may be due on these sums.
9. The Recoupment Provisions do not apply.

Employment Judge McAvoy News

20 May 2024

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 shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

Recording and Transcription

Case Number: 1808779/2023

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>