



EMPLOYMENT TRIBUNALS

Claimant: Mr A Storrie

Respondent: BHE Agricultural Contractors Ltd

Heard at: Hull (by video)

On: 20 June 2024

Before: Employment Judge Miller

Representation

Claimant: Mr D Storrie (claimant's brother)

Respondent: Mr S Dunn (director)

JUDGMENT

Unfair Dismissal

1. The complaint of unfair dismissal is well-founded. The claimant was unfairly dismissed.
2. There is a 70 % chance that the claimant would have been fairly dismissed in any event.
3. 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.
4. The claimant caused or contributed to the dismissal by blameworthy conduct and it is just and equitable to reduce the compensatory award payable to the claimant by 50%.
5. The respondent shall pay the claimant the following sums:
 - (a) A basic award of **£8437.50**
 - (b) A compensatory award of **£4545.51**.

Note that these are actual the sums payable to the claimant after any deductions or uplifts have been applied.

Notice Pay

6. The complaint of breach of contract in relation to notice pay is well-founded.
7. The respondent shall pay the claimant **£4481.05** 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

8. 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.
9. The respondent shall pay the claimant **£887.50**. The claimant is responsible for paying any tax or National Insurance.

Employment Judge **Miller**

Date 20 June 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.