



EMPLOYMENT TRIBUNALS

Claimant: Dominic Caines
Respondent: DMF Security Limited
Heard at: Midlands West Employment Tribunal (by CVP)
On: 5 and 6 August 2024
Before: Employment Judge Chivers

Representation

Claimant: In person
Respondent: Alan Williams, solicitor.

JUDGMENT

1. The claimant's claim for unfair dismissal is well-founded and succeeds.
2. It is just and equitable to make a reduction of 10% to the basic award pursuant to section 122(2) Employment Rights Act 1996 and 10% to the compensatory award pursuant to s 123(6) Employment Rights Act 1996 on account of contributory fault.
3. No deduction had been applied under the principles of *Polkey v AE Dayton Services Limited*.
4. The respondent unreasonably failed to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures and it is just and equitable to increase the award by 25%.
5. The respondent is ordered to pay the claimant the total sum of £6,374.51 as compensation consisting of a basic award (after adjustments) of £2,094.70 and a compensatory award (after adjustments) of £4,279.81 as calculated below.
6. The recoupment regulations do apply to the compensatory award. For the purposes of these regulations
 - (a) The prescribed period is 7 March 2024 to 6 August 2024

- (b) The prescribed element is £2,054.27
- (c) The amount by which the total monetary award exceeds the prescribed element is £4,320.24.

Calculation of Award

Basic Award	£ 2,327.45	(10% deduction)	£2,094.70
Compensatory Award			
Loss of statutory rights	£500		
Expenses/training costs	£1,250		
Loss of earnings to date	£2,054.27		
ACAS Uplift (25%)	£951.07		
Total	£4,755.34		
Minus 10% deduction		(£475.53)	
Compensatory award			£4,279.81
Total (basic award + compensatory award)			£6,374.51

Employment Judge **Chivers**

Date **6 August 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

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/>