



EMPLOYMENT TRIBUNALS

Claimant: Nigel Laphthorne

Respondent: Entserve UK Ltd.

Heard at: London Central (CVP)

On: 1, 2, 3, 4 and 5 July 2023

Before: Employment Judge R Freshwater
Tribunal Member Mr M Simon
Tribunal Member Mr J Carroll

Representation

Claimant: Ms G Churchhouse (counsel)

Respondent: Mr C Baran (counsel)

JUDGMENT

1. The claimant's claim for unfair dismissal is well-founded and succeeds.
2. The claimant's claim for direct age discrimination is not well-founded and is dismissed.
3. The claimant's claim for indirect age discrimination is not well-founded and is dismissed.
4. The claimant's claim for breach of contract is not well-founded and is dismissed.
5. The remedy awarded for unfair dismissal is the sum of **£88,519**. The award was calculated on the following basis.
6. The claimant is entitled to a basic award of £0 because he received a redundancy payment.
7. The claimant is entitled to compensation for loss of earnings from 30.09.20 until 14.02.22 at a Level 7 salary of £7618.00 per month. This is a total of £125,697.00.
8. The claimant is entitled to compensation for pension loss from 30.09.20 until 14.02.22 at the amount of £750.00 per month. This is a total of £12,375.00
9. The claimant is entitled to compensation for the Quarter 2 bonus and loss of statutory rights. This is a total of £3957.00.

10. The total compensatory award before deductions is £142,029.44.
11. The sum of £64,661.38 should be deducted as this was the amount received in the claimant's final payslip. This leaves the amount of £77,368.06
12. The sum of £77,368.06 divided by 0.8 (grossing up) is £96,710.08 which exceeds the statutory cap of £88,519 (applicable at the date of claim). Therefore, the award is capped. The award is subject to tax.

Employment Judge **Freshwater**

Date 25 July 2024_____

JUDGMENT SENT TO THE PARTIES ON

8 August 2024

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FOR THE TRIBUNAL OFFICE

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/>