



EMPLOYMENT TRIBUNALS

Claimant: Mark MORGAN-LLOYD

Respondent: JFG Telemetry

Heard at: Southampton Employment Tribunal

On: 19 April 2024

Before: Employment Judge Hay

Representation

Claimant: Mr Christian Maher-Loughnan (Lay representative)

Respondent: Mr James Fraser-Petherbridge (Director)

JUDGMENT

1. The claim for unfair dismissal against the first Respondent, JFG Telemetry Limited is well founded. Mr Morgan-Lloyd was unfairly dismissed by them.
2. 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 award payable to the claimant by 10 % in accordance with s 207A Trade Union & Labour Relations (Consolidation) Act 1992.
3. This means the respondent did not follow guidance which was available to it and so Mr Morgan-Lloyd will receive an addition to his award for unfair dismissal. This is known as an “uplift”.
4. The respondent shall pay the claimant the following sums:
 - (a) A basic award of £14423.08 (based on 20 x 1.5 of a weeks pay of £480.77)
 - (b) A compensatory award of £0.00.
 - (c) An uplift to the award of £1442.30 (10% of the basic award of £14423.08)

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

5. The complaint of unauthorised deductions from wages is well-founded. The respondent made an unauthorised deduction from the claimant's wages in the period 2006 to December 2018. The period for which the Claimant can be awarded monies relating to such unauthorised deductions is limited by s24A of the Employment Rights Act 1996 to the period of 2 years prior to the presentation of the claim.
6. This means the respondent did not pay the claimant all the wages he was owed. The respondent will now have to pay some of those wages to the claimant. The period for which the Tribunal can order the respondent to pay those wages is limited by the Employment Rights Act.
7. The respondent shall pay the claimant £36300.07, which is the gross sum deducted between February 2017 and December 2018. This is calculated upon a weeks wages due in that period of £480.77 of which £99.99 was received by the claimant as accommodation and other expenditure, leaving £380.77 per week deducted each week for a period of 22 months.
8. The claimant is responsible for the payment of any tax or National Insurance.
9. When the proceedings were begun the respondent was in breach of its duty to provide the claimant with a written statement of employment particulars. There are no exceptional circumstances that make an award of an amount equal to two weeks' gross pay unjust or inequitable.
10. This means that because the respondent failed to give the claimant a contract of employment, which as an employer the respondent was legally required to do, the claimant will be awarded an additional sum.
11. Section 38 of the Employment Act 2002 states that the amount which may be awarded to a claimant under that section is either 2 weeks or 4 weeks pay and does not allow for an award equal to three weeks pay. The Tribunal will reconsider the amount to be awarded pursuant to rule 73 of the Employment Tribunal (Constitution and Rules of Procedure) Regulations 2013. Schedule 1 after the parties have had an opportunity to make representations.
12. The judgment on remedy for unauthorised deductions relating to holiday pay has been reserved.

Employment Judge Hay

Date 24 April 2024

JUDGMENT SENT TO THE PARTIES ON

23 August 2024

Jade Lobb
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/>