



EMPLOYMENT TRIBUNALS

Claimant: Mr K Patterson

Respondent: Lidl Great Britain Limited

AT A REMEDY HEARING

Heard at: Leeds by CVP video conferencing **On:** 20th August 2024
Before: Employment Judge Lancaster

Representation

Claimant: In person

Respondents: Ms A Rumble, counsel

Rule 61 (2) Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013

Following the giving of oral judgement at the conclusion of the hearing the final written decision was reserved to the earliest practicable date pending an agreement as to the amount of 2 years' employers' pension contributions, to be notified to the Tribunal no later than 4th September 2024.

JUDGMENT

1. The Claimant is entitled to a basic award in the agreed sum of £5787.00 (calculated at 9 week's pay at the statutory capped figure of £643.00)
2. The Respondent is further ordered to pay to the Claimant a compensatory award calculated as follows:

Net loss of earnings: from 4th October 2023 (when pay in lieu of notice ended) until 16th October 2023 (when the Claimant in reasonable mitigation of his loss secured alternative, albeit lower paid employment), 12 days at £3726.14 net per month, £44,713.08 per annum x 12/365 = £1470.04

Shortfall of earnings from 16th October 2023 to date: 44 weeks at £1016.80 net per month/ £234.64 per week = £10,324.60

Continuing level of shortfall for a further 58 weeks (that is - and is intended to be - until, in total, 2 years after the date when pay in lieu of notice ended) = £13609.12

Loss of statutory rights = £600

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Loss of employers' pension contributions: 2 years at £36.92 per week =
£3839.68

Total £29,843.44

3. The above compensatory award is reduced by 50 per cent as a just and equitable assessment of the chance that the Claimant would have been liable to have been fairly dismissed on grounds of capability, or demoted under the performance management policy, or that he would subsequently have been dismissed for continued failure to improve had the review period been extended.
4. The compensatory award is uplifted by 5 per cent because of the unreasonable failure to comply with paragraph 29 of the ACAS Code of Practice on disciplinary procedures.
5. The Respondent is therefore ordered to pay to the Claimant compensation as follows:

Basic award	£5,787.00
Compensatory award	<u>£15,667.81</u>
Total	£21,454.81

EMPLOYMENT JU DGE LANCASTER

DATE 17th September 2024

Public access to employment tribunal decisions

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Recording and Transcription

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