



EMPLOYMENT TRIBUNALS

Claimant: Ms Aitken

Respondent: Simpkins & Co

Heard at: Bristol (by CVP)

On: 2 September 2024

Before: Employment Judge Murdoch

Representation

Claimant: In person

Respondent: Did not attend

JUDGMENT

1. JUDGMENT on liability was promulgated on 5 June 2024.
2. This judgment concerns remedy only.
3. In respect of the calculation of remedy for constructive unfair dismissal:
 - a. A Polkey deduction is unsuitable in this case, as the Claimant was constructively dismissed, and would not have been dismissed fairly in any event, so it is not necessary to consider.
 - b. A 25% uplift will be made under section 207A(2) of the Trade Union and Labour Relations (Consolidation) Act 1992 to the compensatory award for unfair dismissal with regards to the requirements of the ACAS Code of Practice on Disciplinary and Grievance Procedures in respect of the Claimant's dismissal as the Respondent failed to adhere to any aspect of the Code.
 - c. The Claimant did not contribute by inappropriate conduct to her dismissal so there will therefore be no reduction of the basic and compensatory award.
4. In respect of the judgment that the Claimant was constructively unfairly dismissed, the respondent is ordered to pay the Claimant the following:
 - a. A basic award in the sum of **£8,400**; and
 - b. A compensatory award in the sum of **£20,164**, which includes a 25% ACAS uplift.
 - c. The total figure is therefore **£28,564**.

5. The recoupment regulations do not apply as the Claimant has not received any State benefits.
6. Annex A shows how the amount to be paid has been calculated.

ANNEX A

Unfair dismissal: basic award

1. The basic award sum is **£8,400**. This is based on the following findings of facts and figures:
 - a. Weekly pay cap is £700 and the Claimant was paid over that (i.e. a gross weekly wage of £646 plus £201 for pension contributions);
 - b. The relevant multiplier is 12 (age of Claimant is over 61 and number of year's service is 8); and
 - c. £700 multiplied by 12 is £8,400.

Unfair dismissal: compensatory award

2. The compensatory award sum is **£20,164**. This is based on the following findings of facts and figures:
 - a. £500 loss of statutory rights;
 - b. £15,631 for loss of earnings:
 - i. £4,007 for loss of earnings for job from 1 June 2023 until 31 October 2023;
 - ii. £2,849 for being out of work from 1 November 2023 to 2 December 2023;
 - iii. £8775 for loss of earnings for job from 2 December 2023 until today;
 - c. No award for future losses; and
 - d. £4,033 for the 25% ACAS uplift of total compensatory award of £16,131 (£500 plus £15,631).

Employment Judge Murdoch

2 September 2024

JUDGMENT SENT TO THE PARTIES ON
19 September 2024

Jade Lobb
FOR THE TRIBUNAL OFFICE

Note

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.

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