



EMPLOYMENT TRIBUNALS

Claimant: LF

Respondent: OCS Food Co Ltd

Heard at: Reading **On:** 28 January 2025

Before: Employment Judge Shastri-Hurst
Mrs F Potter
Dr C Whitehouse

Representation

Claimant: in person

Respondent: Mr C Ilangaratne (counsel)

REMEDY JUDGMENT

Following the Tribunal's Reserved Judgment on Liability, in which the claim of unfair dismissal was upheld, with a deduction of 5% to be made to the compensatory award, the Tribunal reached the following judgment:

Non-compliance with ACAS Code

1. 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 compensatory award payable to the claimant by **20%** in accordance with s 207A Trade Union & Labour Relations (Consolidation) Act 1992.

Failure to provide a written statement of employment particulars

2. 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. It is just and equitable to make an award of an amount equal to four weeks' gross pay. In accordance with section 38 Employment Act 2002 the respondent shall therefore pay the claimant **£1,643.92**.

Sums payable

3. The respondent shall pay the claimant the following sums:

- (a) A basic award of **£1,232.94**.
- (b) A compensatory award of **£12,084.87**.

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

4. The figure of **£1,643.92** as set out at paragraph 2 above.

5. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply:

- a. The total monetary award to the claimant is (£1,232.94 + £12,084.87 + £1,643.92) **£14,961.73**
- b. The prescribed element is **£11,514.88**.
- c. The period of the prescribed element is from the effective date of termination (21 December 2022) to the date of the remedy hearing (28 January 2025), which is a period of **110 weeks**.
- d. The difference between (a) and (b) is **£3,446.85**.

Approved by

Employment Judge **Shastri-Hurst**

Date 28 January 2025

JUDGMENT SENT TO THE PARTIES ON
7 February 2025

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/>