



EMPLOYMENT TRIBUNALS

Claimant: Mr M Boaler
Respondent: Gardiner Colours Limited
Heard at: Leeds **On:** 18 March 2025
Before: Employment Judge T Knowles

Appearances

For the claimant: In person
For the respondent: No attendance

JUDGMENT

Rule 22 of the Employment Tribunal Rules (non-presentation of a response)

1. The correct name of the Respondent is Gardiner Colours Limited.
2. The claim was presented in the on 17 September 2024. The respondent has failed to present a valid response on time. The Employment Judge has decided that a determination can properly be made of the claim in accordance with rule 22 of the Rules of Procedure.
3. The Claimant's claims for a redundancy payment and for disability discrimination are dismissed upon their withdrawal by the Claimant.
4. 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 awards payable to the claimant for breach of contract, unlawful deductions from wages and for payment in lieu of accrued but untaken holiday pay by 25% in accordance with s 207A Trade Union & Labour Relations (Consolidation) Act 1992.
5. The Claimant's claim of breach of contract (notice pay) is well founded. The Respondent shall pay to the Claimant damages in the sum of £2,388.00. This is calculated as £1,911.00 net notice pay plus £477.75 awarded under s207A.
6. The Claimant's claim of unlawful deduction from wages (SSP arrears) under the Employment Rights Act 1996 is well founded. The Respondent shall pay to the Claimant compensation in the sum of £291.87. This is calculated as £233.50 wages plus £58.37 award under s207A.
7. The Claimant's unlawful deduction from wages claim for a payment in lieu of accrued but untaken holiday pay upon termination of employment under the Working Time

Regulations 1998 is well founded. The Respondent shall pay to the Claimant the sum of £1,800.00. This is calculated as £1,440 holiday pay plus £477.75 award under s207A.

8. The complaint of unfair dismissal is well-founded. The claimant was unfairly dismissed.
9. 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 25% in accordance with s 207A Trade Union & Labour Relations (Consolidation) Act 1992.
10. The respondent shall pay the claimant the following sums:
 - a. A basic award of £1,440.
 - b. A compensatory award of £24,960.
11. Note that these are actual the sums payable to the claimant after any deductions or uplifts have been applied. The statutory cap of 52 weeks pay has been applied to the compensatory award.
12. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply:
 - a. The total monetary award (i.e. the compensatory award plus basic award) payable to the claimant for unfair dismissal is £26,400.
 - b. The prescribed element is £16,567.44 after the application of Regulation 4(2).
 - c. The period of the prescribed element is from 12 July 2024 to 18 March 2025.
 - d. The difference between 12a. and 12b. is £8,392.56.

Employment Judge T Knowles

18 March 2025

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.

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Recording and Transcription

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