



EMPLOYMENT TRIBUNALS

Claimant: Armando Fernandes

Respondent: Piggy Leisure Limited

Heard at: Newcastle Employment Tribunal via CVP

On: 13 March 2025

Before: Employment Judge L Robertson

Representation

Claimant: Mr C Henshall, solicitor. Claimant also in attendance.

Respondent: No appearance or representation.

JUDGMENT ON REMEDY

The judgment of the Tribunal is as follows:

Unfair dismissal

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 25% in accordance with s207A Trade Union & Labour Relations (Consolidation) Act 1992.
2. The respondent shall pay the claimant the following sums:
 - a. A basic award of **£4,950**.
 - b. A compensatory award of **£18,670.11**.

Note that these are the actual sums payable to the claimant after any deductions or uplifts have been applied.
3. 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 **£23,620.11**.

- b. The prescribed element is **£13,126.36**.
- c. The prescribed period is from **1 August 2024 to 13 March 2025**.
- d. The difference between 3a and 3b is **£10,493.75**.

Written particulars

- 4. 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 **£2,200**.

Note: The figure at 3a above has been changed to include unfair dismissal compensation only, as recoupment does not apply to the award for failure to provide written particulars of employment.

L Robertson

Employment Judge L Robertson

Date signed: 2 April 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.

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/>