



EMPLOYMENT TRIBUNALS

Claimant: Mr C Thornton

Respondent: NSLX Limited

Heard at: Liverpool

On: 6 May 2026

Before: Employment Judge Shotter

REPRESENTATION:

Claimant: In person

Respondent: No attendance

JUDGMENT having been sent to the parties on **14 May 2026** and written reasons having been requested in accordance with Rule 60(4) of the Employment Tribunals Rules of Procedure 2024, the following reasons are provided:

REASONS

1. This is a remedy hearing Judgment being entered in favour of the claimant sent to the parties on the 27 March 2026 following oral judgment being given. Since the hearing the claimant has requested reasons and an amendment in the spelling of Neil Scrivener and a Certificate of Correction has been issued under the slip rule.
2. The respondent is not in attendance and nothing has been heard from the respondent since Judgment was entered.
3. The claimant has provided a remedy bundle, supplementary exhibits and a revised schedule of loss.
4. Evidence as given by the claimant under oath which I accepted as credible not only in relation to the losses and their quantification, but also the behaviour of Neil Scrivener, the CEO of the respondent. During the hearing we considered the claimant's contract of employment dated 6 December 2023 and the calculations set out in the Judgment were agreed with the claimant.
5. Turning to the alleged behaviour by Neil Scrivener, the claimant referred to contemporaneous documents evidencing Neil Scrivener making threats to the claimant, for example, on 10 July 2024 a threat was made to bring a private prosecution unless the claimant paid him damages of £16,665.00, bankruptcy, fraud, injunction and he published a blog post alleging false claims against the claimant, describing the claimant's claims in this Tribunal as fraudulent and malicious. As a direct result the claimant, who was seeking to mitigate his losses, has had job offers withdrawn as reflected in the supporting documentation before me.
6. Having taken into account the claimant's oral evidence supported by contemporaneous documents including the blog in question, I concluded that the claimant's claim for aggravated damages was well-founded. I was satisfied that as a direct result of Neil Scrivener's blog posts the claimant had suffered further damage concluding that it was just and equitable to award the sum of £7,500 for aggravated damages. Neil Scrivener's behaviour substantially increased the impact of the detriment suffered by the claimant when he asserted his statutory right for unpaid holiday pay. I accepted the claimant's evidence that Neil Scrivener's conduct was directly as a result of the claimant seeking payment for unpaid holiday pay and as recorded in the Judgment on liability sent to the parties on the 27 March 2026, the claim of post-employment detriment brought under section 45A(1)(e) and (1)(f) was well-founded.
7. In *Vento v Chief Constable of West Yorkshire Police (No.2)* 2003 ICR 318, CA, ("Vento") the Court of Appeal set down three bands of injury to feelings award, indicating the range of award that is appropriate depending on the seriousness

of the discrimination in question. I placed the claimant's case in the lower band of £1,300 to £12,600 (for less serious cases) in order to avoid double recovery as I felt it was important in this case to take the unusual step of awarding aggravated damages.

8. When assessing the amount of injury to feelings at £12,500 I have taken into account the Vento guideline, Presidential Guidance and the number of aggravated damages ordered at £7,500 I was careful to avoid double recovery. The claimant gave credible and honest evidence supported by documents how he had lost offers of well-paid employment and had commenced a new role only to be dismissed as a result of the Neil Scrivener's blog posts making serious allegations about the claimant's professionalism which, the claimant was told by his new employer, would affect the claimant's effectiveness and standing within the new team. The claimant, who was unemployed for a substantial period of time as a result and remains unemployed as at this remedy hearing, was understandably very distressed and upset, especially given Neil Scrivener refused to retract or take down the post unless the claimant paid him some money. I understand the claimant has or will be consulting with the relevant authorities about Neil Scrivener's conduct in attempting to pressure him for money by making threats.

Aggravated damages – legal principles

9. I concluded that the actions of Neil Scrivener fell squarely into the Court of Appeal's definition of aggravated damages in *Alexander v Home Office 1988 ICR 685, CA*, where it held that aggravated damages can be awarded in a discrimination case where the defendants have behaved 'in a high-handed, malicious, insulting or oppressive manner in committing the act of discrimination'. That quotation has been cited and applied by courts and tribunals ever since and remains a sound statement of general principle.
10. Mr Justice Underhill, then President of the EAT, in *Commissioner of Police of the Metropolis v Shaw 2012 ICR 464, EAT*, identified three broad categories of case and I find the third category was particularly relevant to the claimant's circumstances:
 - 10.1 where the manner in which the wrong was committed was particularly upsetting. This is what the Court of Appeal in *Alexander* meant when referring to acts done in a 'high-handed, malicious, insulting or oppressive manner'
 - 10.2 where there was a discriminatory motive — i.e. the conduct was evidently based on prejudice or animosity, or was spiteful, vindictive or intended to wound. Where such motive is evident, the discrimination will be likely to cause more distress than the same acts would cause if done inadvertently; for example, through ignorance or insensitivity.

However, this will only be the case if the claimant was aware of the motive in question — an unknown motive could not cause aggravation of the injury to feelings, and

10.3 where subsequent conduct adds to the injury — for example, where the employer conducts tribunal proceedings in an unnecessarily offensive manner, or ‘rubs salt in the wound’ by plainly showing that it does not take the claimant’s complaint of discrimination seriously.

11. I find as a matter of fact that Neil Scrivener’s response to this litigation was an aggravating factor in that his threats to the claimant were unnecessarily aggressive and the blog posts retaliatory with the aim of ensuring that the claimant would not work again with the result that the claimant, who was forced to dip into his savings to survive, could not easily find alternative employment and was upset due to the effect on his professional reputation and impecuniosity that adversely affected him and his family. The claimant has established the causal link between the hurt he felt, his suffering at what was said and done and the impact on his previously successful professional career.

The claimant’s earnings

12. The claimant earned £3,333 gross per month. It has not been possible to calculate the gross amount. The respondent made an unauthorised deduction from the claimant’s wages in the month of May and June 2024 in the sum and is ordered to pay to the claimant the sum of £6,666 gross less lawful deductions of tax and national insurance.

13. According to the claimant’s contract he was entitled to one month’s notice, which remains unpaid. The damages for wrongful dismissal amounts to the sum of £3,333 less lawful deduction of tax and national insurance (one month’s contractual unpaid notice).

14. The claimant worked 55 hours per week and was employed from 1 December 2023 until he resigned on the 4 July 2024 and is owed holiday pay amounting to 17 days in the sum of 1,863.01 less lawful deductions of tax and national insurance, accrued unpaid holidays (17-days@ £109.59 per day).

15. The claimant has been unable to obtain alternative employment from the date of termination 4 July 2023 and was in receipt of universal credit during some of the period he was unemployed. The respondent is ordered to pay to the claimant compensation for detriment by way of loss of earnings in the sum of £115,870 less lawful deductions of tax and national insurance (3 years’ salary to 4 July 2026 less £4130 earnings). I have seen the claimant’s evidence on mitigation and following the blog being published on 21 July 2024 it is apparent the

claimant had (a) attempted to mitigate his loss, and (b) has been unable to find alternative employment which includes the withdrawal of job offers in January and October 2025 where the claimant would have earned a substantially higher salary.

16. The respondent is ordered to pay to the claimant injury to feelings in the sum of £12,500.
17. The behaviour of Neil **SCRIVENER** was high handed, malicious, insulting and oppressive designed conduct this litigation in a unnecessarily vindictive manner including posting in a July 2024 blog post information aimed at prospective employers and refusing to take the blog post down unless the claimant paid him money, the high threshold for an award of aggravated damages is met, and the respondent is ordered to pay to the claimant aggravated damages in the sum of £7,500.00.
18. Interest was calculated with the claimant's input, and a figure agreed. The respondent is ordered to pay to the claimant interest in the sum of £1843.00 on the injury to feelings (673 days@8%) and £8533.01 on the loss of earnings (mid-point 336 days@8%).
19. The claimant raised a grievance which was not dealt with. 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 10 % in accordance with s 207A Trade Union & Labour Relations (Consolidation) Act 1992. The respondent is ordered to pay to the claimant an ACAS uplift in the sum of £15,810.08 (158,108.02@10%)
20. The recoupment provisions apply:
 - a. The monetary award: £173,918.82.
 - b. The amount of any prescribed element: £13,332.00
 - c. The dates of the period to which the prescribed element relates: 20 January 2026 to 6 May 2026
 - d. The amount if any, the monetary award exceeds the prescribed element: £160,586.82.

Approved by:

Employment Judge Shotter

3 July 2026

Judgment sent to the parties on:

21 August 2026

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For the Tribunal:

Notes

Judgments (apart from judgments under rule 51) 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.

If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. 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 at www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/