



EMPLOYMENT TRIBUNALS

Claimant: Mr L O'Flaherty

Respondent: Mr S Timmins

Heard at: Sheffield

On: 10 June 2024

Before: Employment Judge Miller

Representation

Claimant: In person

Respondent: No attendance

JUDGMENT

1. The complaint of unfair dismissal on the grounds of making a protected disclosure under s 103A Employment Rights act 1996 is well-founded. The claimant was unfairly dismissed.
2. 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.
3. The respondent shall pay the claimant the following sums:
 - a. A basic award of **£571**.
 - b. A compensatory award of **£35,227.50**.

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

4. The complaint of unfair dismissal on the grounds of raising a health a safety concern under section 100 Employment Rights Act 1996 is not well founded and is dismissed.

5. 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 **£35,798.50**
 - b. The prescribed element is **£27,633.90**.
 - c. The period of the prescribed element is from **13 January 2023 to 10 June 2024**
 - d. The difference between (1) and (2) is **£8164.60**.

Employment Judge **Miller**

Date: 10 June 2024

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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