Case No: 6012339/2025

EMPLOYMENT TRIBUNALS

Claimant: Tristan Ellse

Respondent: Better Environment & Security Technologies (BEST) Ltd

Heard at: London South (by CVP)

On: 21 and 22 October 2026

Before: Employment Judge Yardley

Representation
Claimant: In person
Respondent: Mr L Baker, legal representative

JUDGMENT

Unfair dismissal

1. The complaint of unfair dismissal is well-founded. The Claimant was unfairly dismissed.

2. The Tribunal finds that there was a 90% chance that the Claimant would have been fairly dismissed in any event had a fair procedure been followed. Accordingly, the compensatory award is reduced by 90% pursuant to *Polkey v AE Dayton Services Ltd [1987] UKHL 8*.

3. The Claimant did not cause or contribute to his dismissal by culpable or blameworthy conduct. No reduction will be made to the compensatory award on the ground of contributory conduct.

4. The Tribunal makes no adjustment to the compensatory award under section 207A of the Trade Union and Labour Relations (Consolidation) Act 1992.

5. The Respondent shall pay the Claimant the sum of **£5,758.79** comprising:
   (a) A basic award of **£4,900.00**.
   (b) A compensatory award of **£858.79.**

Notice pay

6. The complaint of breach of contract in respect of notice pay is well-founded, liability having been admitted by the Respondent.

7. The Respondent shall pay the Claimant **£4,981.55** as damages for breach of contract comprising **£4,795.00** in respect of seven weeks' net earnings and **£186.55** in respect of employer pension contributions.

Written Statement of Employment Particulars

8. The Respondent admitted that when the proceedings began it 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 (a week's pay being subject to the statutory maximum of £700) unjust or inequitable. It is not just and equitable to make an award of an amount equal to four weeks' gross pay.

9. In accordance with section 38 of the Employment Act 2002, the Respondent shall therefore pay the Claimant the sum of **£1,400**.

Summary

10. The total sum payable by the Respondent to the Claimant is **£12,140.34**.

11. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply to the award for unfair dismissal. The monetary award is £5,758.79. The prescribed element is £742.93 and relates to the period 9 December 2024 to 31 May 2025. The monetary award exceeds the prescribed element by £5,015.86.

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Employment Judge Yardley
Date: 22 October 2026

Sent to the parties on:
Date: 29 October 2026

Note
Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party asked for them at the hearing or a party makes a written request within 14 days of the sending of this written record of the decision.

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