



EMPLOYMENT TRIBUNALS

Claimant: Mrs Sarah Rees

Respondent: Nuffield Health (a company limited by guarantee)

FINAL HEARING

Heard at: Birmingham (in public)

On: 25-27 September 2017

Before: Employment Judge Camp (sitting alone)

Appearances

For the claimant: Mr J Gidney, counsel

For the respondent: Mr I Hartley, solicitor

JUDGMENT

- (1) The claimant was unfairly dismissed.
- (2) Any compensatory award is limited to a sum equivalent to two weeks' pay, pursuant to the so-called 'Polkey principle': see Polkey v AE Dayton Services Ltd [1987] UKHL 8 and paragraph 54 of the EAT's decision in Software 2000 Ltd v Andrews [2007] ICR 825.
- (3) It would be just and equitable to reduce the amount of the claimant's basic award by 80 percent because of blameworthy and/or culpable conduct, pursuant to section 122(2) of the Employment Rights Act 1996 ("ERA").
- (4) The claimant did, by blameworthy and/or culpable actions, cause or contribute to her dismissal and it would be just and equitable to reduce the amount of any compensatory award by 80 percent, pursuant to ERA section 123(6).
- (5) The respondent unreasonably failed to comply with ACAS Code of Practice 1 in relation to the claimant's dismissal, and it would be just and equitable in all the circumstances to increase any compensatory award by 15 percent, pursuant to section 207A of the Trade Union & Labour Relations (Consolidation) Act 1992.
- (6) Reasons for the above judgment were reserved and will be provided in writing in due course without the parties needing to ask for them.
- (7) The claimant expressed no wish for reinstatement or re-engagement.
- (8) The parties having, in light of the above judgment (and without prejudice to any appeal or application for reconsideration), agreed remedy, by consent, the



respondent must pay the claimant a total sum of **£1,043.37**, made up as follows:

- a. a basic award of £749.33 (incorporating an 80% reduction);
 - b. a compensatory award of £294.04 (incorporating an 80% reduction and a 15% uplift).
- (9) This judgment took effect on 27 September 2017.

Employment Judge Camp
03 October 2017

SENT TO THE PARTIES ON

04 October 2017

FOR THE TRIBUNAL OFFICE