



**IN THE EMPLOYMENT TRIBUNAL
SITTING AT HILL STREET, BIRMINGHAM
AT A FINAL MERITS HEARING**

Case Number: 1304659/2015

ON: 5-9, 12-16, 22, 23 & 26-28 FEBRUARY 2018

Before
**EMPLOYMENT JUDGE PERRY
(siting alone)**

Between
MR THEO MILLWARD

Claimant

and

**(1) THE SWIMMING TEACHERS' ASSOCIATION LTD
(2) STA RESOLUTE TECHNOLOGY LTD**

Respondents

Appearances:

For Mr Millward: **In person**
For the Respondent: **Mr R Powell** (counsel)

JUDGMENT

1. The Claimant's employer having been agreed as the first respondent and the first respondent having been accepted in principle it would be liable for any findings made against the second respondent, its wholly owned subsidiary, the claim against the second respondent was dismissed on withdrawal.
2. It was agreed the tribunal does not have jurisdiction to hear the claimant's claim for expenses pursued as a claim for unlawful deductions from wages.
3. The claimant did not make a disclosure that qualified for protection pursuant to part IVA Employment Rights Act 1996.
4. The claimant's complaint that he was unfairly dismissed by the first respondent in breach of s.98(4) Employment Rights Act 1996 is well founded. His complaint pursuant to s.103A Employment Rights Act 1996 is not well founded and is dismissed
5. In the event a fair procedure had been followed by the first respondent the claimant would have been dismissed in any event by the same date. The compensatory award shall be reduced by 100%.
6. The claimant was guilty of conduct prior to his dismissal such that the basic award shall be reduced by 100%. His conduct prior to dismissal was culpable and blameworthy and contributed to his dismissal. (In the alternative to (5)) the compensatory award shall be reduced by 100%.
7. The claimant's claim that he was dismissed in breach of contract is not well founded and is dismissed.
8. The provisional remedy dates of 1, 4 & 5 June 2018 are vacated.



Employment Judge Perry

1 March 2018

Note

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.