



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs B Bradbury

**Respondent:** Barchester Healthcare Limited

**Heard at:** Birmingham Employment Tribunal by CVP

**On:** 30 June, 1 July and 23 August 2021

**Before:** Employment Judge Cookson sitting alone

## **Representation**

Claimant: Mr Bradbury (the claimant's husband)

Respondent: Mr Singh (solicitor)

# JUDGMENT

1. It is the decision of the Employment Tribunal that the claimant was unfairly dismissed contrary to s94 of the Employment Rights Act 1996 (ERA).
2. It is in the interests of justice for the tribunal to make a deduction of 50% from any compensation payable to the claimant for unfair dismissal, in accordance with s123(6) of the ERA under the principles set out in *Polkey v AE Dayton Services Limited*.
3. The claimant caused or contributed to her dismissal and a reduction of 25% will be applied to any compensatory award when determined, in accordance with s123 (6) of the ERA.
4. In light of conduct of the claimant before dismissal, it is just and equitable to reduce the amount of the basic award by 25% in accordance with s122(2) of the ERA.
5. The claimant is awarded the sum of £6,112.26 by way of basic award taking into account the reduction referred to above.
6. The claimant failed to mitigate her losses at all and is not entitled to any

compensation for lost earnings. She is awarded the sum of £100 in respect of loss of statutory rights after the application of the reductions to the compensatory award above.

7. The compensation above is payable to the claimant by no later than 20 September 2021.

Employment Judge Cookson  
23 August 2021

*Notes*

1. *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.*
2. *Public access to employment tribunal decisions*  
*Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.*