



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr D Edgington

**Respondent:** Guhring Limited

## FINAL HEARING

**Heard at:** Midlands (West) (via CVP)

**On:** 21 to 22 June 2022

**Before:** Employment Judge Camp

### Appearances

For the claimant: Mr P Ward, counsel

For the respondent: Ms J Fitzsimmons, solicitor

## JUDGMENT

- (1) The claimant was unfairly and wrongfully dismissed.
- (2) If the remedy for unfair dismissal is compensation only, there will be a compensatory award of £nil in accordance with the so-called Polkey principle (see Polkey v AE Dayton Services Ltd [1987] UKHL 8).
- (3) Were there any compensatory award, it would be reduced by 50 percent for contributory conduct, pursuant to section 123(6) of the Employment Rights Act 1996.
- (4) The claimant's unfair dismissal basic award is reduced by 50 percent because of conduct before dismissal, pursuant to section 122(2) of the Employment Rights Act 1996.
- (5) The claimant must give credit for his earnings during his contractual notice period in his claim for damages for wrongful dismissal.
- (6) The claimant's damages for wrongful dismissal are increased by 15 percent for unreasonable failure to follow the Acas Code of Practice 1 in relation to the claimant's

dismissal, pursuant to section 207A of the Trade Union & Labour Relations (Consolidation) Act 1992.

- (7) Reasons for the above decisions were given orally. Written reasons will not be provided unless asked for by a written request presented by any party within 14 days of the sending of this Judgment.
- (8) In light of the above decisions, without prejudice to any appeal or application for reconsideration that may be made in relation to them, remedy is agreed as follows:
  - a. the remedy for unfair dismissal is compensation only and the claimant is awarded and the respondent must pay him £7,666.50 as a basic award;
  - b. damages for wrongful dismissal are assessed in the sum of £6,208, inclusive of the above-mentioned 15 percent uplift;
  - c. the total sum the respondent must therefore pay the claimant is **£13,874.50**

Employment Judge Camp

22 June 2022