THE EMPLOYMENT TRIBUNAL

BETWEEN

Claimant	and	Respondent
Mr D Ervin		Hillgate Investments Limited t/a Alex Neil

Held at LONDON SOUTH   **On 21 22 and 23 February 2022**

BEFORE: Employment Judge Siddall, Ms J Jerram and Mr R Singh

Representation

For the Claimant: Ms L Caller

For the Respondent: Mr L Lewis-Nunn

JUDGMENT

The decision of the tribunal is that:

1. The claim for unfair dismissal succeeds.

2. The claimant is awarded a basic award of £1076 and a compensatory award of £3003.24.

3. The claimant is awarded a 25% uplift for failing to follow the ACAS Code of Practice on Disciplinary and Grievance Procedures.

4. The total award for unfair dismissal including the uplift is £5099.05.

5. The claims for breach of contract in relation to notice pay and for unlawful deductions from wages in relation to January commission are dismissed upon withdrawal.

6. It is agreed that the respondent made unlawful deductions from the wages of the claimant and by consent he is awarded a total sum of £797.29 comprising of:
    a. Statutory sick pay of £377 gross; and
    b. Commission for February 2020 of £420.29 gross.

7. The claim for unlawful deduction from wages in relation a car deposit of £500 does not succeed and is dismissed.

8. By consent it is agreed that the claimant is entitled to a sum of £375.48 gross in respect of three days accrued annual leave not taken at the date of termination of his employment.

9. The claim for disability-related discrimination under section 15 of the Equality Act 2010 does not succeed and is dismissed.

10. The total sum awarded to the claimant is £6271.82.

11. The respondent is ordered to pay the claimant the sum of £3595.70 in respect of costs on the grounds that the respondent acted disruptively and unreasonably in its conduct of the proceedings.

12. The tribunal orders the respondent to pay a penalty to the Secretary of State in accordance with section 12A(4) of the Employment Tribunals Act 1996 amounting to £3135.91.

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Employment Judge Siddall
Date: 23 February 2022.