



EMPLOYMENT TRIBUNALS

Claimant: Mr R Taylor

Respondent: Dresler Smith Limited

Heard at: Leeds Employment Tribunal (by CVP)
Before: Employment Judge Deeley

On: 27, 28 and 29 February 2024

Representation

Claimant: 27 and 28 February 2024: Mr Smith (attending as a pro bono representative) and 29 February 2024: in person

Respondent: Mr R Katz (Consultant)

JUDGMENT

1. The claimant's complaints of unfair (constructive) dismissal under s98 of the Employment Rights Act 1996 and of wrongful dismissal (notice pay) succeed and are upheld.

NOTES

1. The remedies hearing has been listed for 28 March 2024. The parties must comply with the case management orders made in preparation for that remedies hearing, which are set out in a separate document.

2. The Tribunal indicated that the claimant's compensatory award is likely to be subject to a 10% uplift due to a breach of the respondent's obligations under the ACAS Code. However, the Tribunal noted that no final decision had been made on any uplift, as per the EAT's guidance in *Slade and anor v Biggs and ors 2022 IRLR 216, EAT* which requires Tribunals to apply a 'final sense check' on the monetary figures awarded before reaching a conclusion on any uplift to the compensatory award for a breach of the ACAS Code.

**Employment Judge Deeley
29 February 2024**

All judgments (apart from those under rule 52) and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.

Oral reasons for this judgment were provided to the parties at the conclusion of the hearing. The parties may request written reasons for judgment within 14 days of the date on which this judgment is sent to them.