



EMPLOYMENT TRIBUNALS (SCOTLAND)

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Case Number: 4105423/2023

Hearing held in Glasgow on 15 and 16 January 2024

Employment Judge M Whitcombe

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Mr Allan Tosh

Claimant
Represented by:
Mr Caven
(Family member)

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Arnold Clark Automobiles Limited

Respondent
Represented by:
Miss I Moretti
(Solicitor)

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JUDGMENT

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The judgment of the Tribunal is as follows.

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- (1) The claimant was unfairly dismissed by the respondent.
- (2) It would be just and equitable for both the basic award and the compensatory award of compensation for unfair dismissal to be reduced by 25% to reflect the claimant's contributory fault.
- (3) It would not be just and equitable to reduce the compensatory award further to reflect the chance of a fair dismissal if the respondent had followed a fair procedure. A fair procedure would not have led to dismissal.
- (4) Oral reasons were given in the presence of the parties. Neither of them requested written reasons.

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(5) The parties have now reached terms of settlement of the remaining issues of remedy, but require time to implement them with the help of an ACAS conciliator. In those circumstances the remaining issues are adjourned to be heard, if necessary, on 23 February 2024.

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Employment Judge M Whitcombe

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Date of Judgment 16 January 2024

**Entered in register
and copied to parties**
