



EMPLOYMENT TRIBUNALS

Claimant: Mr P Haspell

Respondent: Rowleys of Northwich Ltd

HELD AT: Liverpool

ON: 17 November 2021

BEFORE: Employment Judge Horne

REPRESENTATION:

Claimant: In person

Respondents: Mr R Rowley, managing director

JUDGMENT

1. The claimant was unfairly dismissed.
2. The respondent is ordered to pay the claimant:
 - 2.1. A basic award of £1,836.00; and
 - 2.2. A compensatory award of £762.44.
3. The basic award reflects the tribunal's finding that it is just and equitable to reduce it by 75% on the ground of the claimant's conduct prior to dismissal.
4. The compensatory award reflects the tribunal's findings that, had the respondent acted fairly,
 - 4.1. The claimant would have been suspended on full pay until 6 April 2021;
 - 4.2. The claimant would inevitably have been dismissed on 6 April 2021;
 - 4.3. There is a 25% chance that the dismissal would have been with notice; and

- 4.4. There is a corresponding 75% chance that the dismissal would have been without notice.
5. It is not just and equitable to make any further reduction to the compensatory award on the ground of contributory conduct.
6. The tribunal is satisfied of the matters set out in regulation 4(8) of the Employment Protection (Recoupment of Benefits) Regulations 1996 and accordingly the requirements of paragraphs (3) to (7) of that regulation do not apply. (This means that the judgment sum is not subject to recoupment of welfare benefits.)

Employment Judge Horne

17 November 2021

SENT TO THE PARTIES ON

30 November 2021

FOR THE TRIBUNAL OFFICE

Notes:

(1) This judgment follows a “hybrid” hearing that took place partly on a remote video platform. Neither party objected to the format of the hearing.

(2) Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party makes a request in writing within 14 days of the date on which this judgment is sent to the parties. If written reasons are provided, they will be entered onto the tribunal's online register, which is visible to internet searches.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2408160/2021**

Name of case: **P Haspell** v **Rowleys of Northwich Ltd**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant judgment day" is: 30 November 2021

"the calculation day" is: 1 December 2021

"the stipulated rate of interest" is: 8%

For the Employment Tribunal Office