



EMPLOYMENT TRIBUNALS
London Central Region

Heard by on 5 and 6/1/2022 by CVP

The Claimant: Mr A Aberkane

Respondents: ISS Mediclean Limited trading as ISS Facilities Services, Healthcare (1)
ISS UK LTD (2)

Before: Employment Judge Mr J S Burns

Representation

The Claimant: In person

Respondents: Mr P Tomison (Counsel)

JUDGMENT

1. By consent, the claims as per both the above claim numbers (which claims are identical) are consolidated
2. By consent, the name of the First Respondent is amended so it reads as above.
3. The claims against the Second Respondent are dismissed.
4. The wages claim against the First Respondent succeeds in the sum of £1775.06 gross of tax. The First Respondent is to pay the Claimant the net amount after deduction of any proper tax and NI due.
5. The unfair dismissal claim against the First Respondent succeeds, subject to a discount of 50% for the Claimant's contributory fault under section 123(6) Employment Rights Act 1996, and the damages awarded are £7730.66 shown in the Schedule.
6. The Employment Tribunal (Recoupment of Benefits) Regulations 1996 apply to the unfair dismissal award as the Claimant has claimed Universal Credit. The prescribed amount is £4368.72 (48 x £182.03 x 50%) and the difference between the prescribed amount and the total is £3361.94. The prescribed period is 3/2/21 to 6/1/22.
7. The amount payable under paragraph 4 above and the £3361.94 referred to in paragraph 6 above must be paid to the Claimant by 20/1/22. The balance if any of the prescribed amount referred to in paragraph 6 above must be paid to the Claimant when the recoupment process is complete.

SCHEDULE

Basic award	£2732.40
Compensatory award	
Loss of statutory rights	£350
52 weeks employer pension contributions at £3.48 per week	£180.96

2201300 2021 and 2201301 2021

52 weeks net pay at £182.03 per week	<u>£9465.56</u>
Subtotal	£9996.52
Less 50% contributory fault	<u>(£4998.26)</u>
Total compensatory award	<u>£4998.26</u>
Total award for UD	£7730.66

Notes:

1. The prescribed amount and the difference between the prescribed amount and the total as referred to in paragraphs 6 and 7 above are slightly different from those given in the oral reasons as the latter were incorrect. I apologise for any inconvenience caused
2. Oral reasons having been given at the Hearing on 6/1/22, no written reasons will be provided unless they are requested in writing by either party within 14 days of the date this document is sent to the parties. If any written reasons are produced, they will be published in the Register (which is public website).

J S Burns Employment Judge
London Central
6/1/22
For Secretary of the Tribunals
Date sent to parties
7 January 2022
