EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4104081/2022

Hearing Held in person in Glasgow on 3 and 4 October 2022

Employment Judge A Strain

Mr C Peden	**Claimant** **In Person**
Chanlon Group Limited	**Respondent** **Represented by:** **Mr C Hanlon - Director**

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The Judgment of the Employment Tribunal is that:

(1) the Claimant's claims of unfair dismissal and unpaid holiday pay are successful; and

(2) the Tribunal orders the Respondent to pay the Claimant (a) a Basic Award of £2,284.00; (b) a Compensatory Award of £11,751.03; and (c) the sum of £501.60 in respect of accrued but unpaid holiday pay.

Background

1. The Claimant represented himself. He asserted a claim of Unfair Dismissal. The Claimant sought a Basic Award and a Compensatory Award as detailed in his schedule of loss. He also sought payment of accrued but unpaid holiday pay.

2. There was no appearance for the Respondent at the outset of the Hearing. The Clerk made several attempts to contact the Respondent's representative on record (Their HR Director). No response was received. The tribunal considered the correspondence file and noted that communications had been

by email with the Respondent's Representative and that the tribunal administration had contacted her by telephone to confirm it was the correct address.

3. The tribunal noted that the notice of hearing had been issued to the Respondent's Representative and to the correct email address.

4. In the circumstances the tribunal considered it to be fair, just and in accordance with the overriding objective to proceed in absence of the Respondent.

5. The tribunal then proceeded to hear evidence from the Claimant. During the course of his evidence he made reference to a bundle that he had prepared and lodged with the tribunal for the purposes of the Hearing. Additional documents were lodged by the Claimant and added to the bundle on the second day of the Hearing.

6. The Claimant concluded his evidence on the morning of 4 October 2022. The tribunal adjourned to consider and reach its judgement. Whilst the tribunal deliberations were ongoing the Clerk informed the tribunal that Mr C Hanlon, a Director of the Respondent, had appeared at the Hearing Centre and wished to represent the Respondent.

7. In the circumstances the tribunal considered it appropriate to reconvene and heard from Mr Hanlon. Mr Hanlon explained that the wrong company within his Group had been sued. The Claimant was employed by one of his subsidiaries and he thought that subsidiary was dealing with the tribunal application.

8. In response to questions from the tribunal Mr Hanlon confirmed he was aware of the tribunal proceedings at the instance of the Claimant. He thought the HR Director of that subsidiary was dealing with it. It turns out she had not and had been recently dismissed. He was only informed at the end of last week (30 September) that the tribunal Hearing was on 4 October 2022. He had seen tribunal papers then.

9. The tribunal offered Mr Hanlon the opportunity to cross examine the Claimant and to lead evidence for the Respondent. He intimated to the tribunal that he was not in a position to do so.

10. In the circumstances the tribunal considered it to be fair, just and in accordance with the overriding objective to conclude the case on the basis of the evidence that had been presented to it. The tribunal was not satisfied with Mr Hanlon's explanation as to why there had been no appearance until late on the second day of the tribunal and why the "putative" defence of the wrong employer had not been put forward before now.

11. It was too late in the day and highly prejudicial to the Claimant to abort the Hearing and send it to a fresh Hearing before a newly constituted tribunal.

12. The tribunal explained that the Respondent could apply for reconsideration if it wished to do so. The tribunal recommended that Mr Hanlon obtain advice.

Findings in Fact

13. Having heard the evidence and considered the documentary evidence before it the Tribunal made the following findings in fact:

14. The Claimant was employed by the Respondent (and its predecessors) from 27 October 2017 until the termination of his employment by summary dismissal on 9 June 2022.

15. The Claimant is a gas engineer and was initially employed as a Lead Technician with the Respondent. Within 3 months he was promoted to Gas Divisional Manager.

16. On 11 February 2020 he was made a Director of one of the Respondent's subsidiaries (Industrial Commercial Heating Solutions Limited "**ICHS**"). ICHS was owned by C Hanlon All Trades Limited (which became Chanlon Group Limited).

17. The Claimant was given a written contract of employment with ICHS dated 11 February 2020.

18. In January 2022 additional shareholders were brought into the business and the business merged into Chanlon Group Limited. A new Board of Directors was appointed.

19. The Claimant was initially paid by C Hanlon All Trades Limited and subsequently by Chanlon Group Limited up to termination.

20. The Claimant was not made a Director of Chanlon Group Limited. He was removed as a Director of ICHS in February 2022.

21. The Claimant's job title changed at this time to Departmental Head of Energy Services for the Group. He was not given a new contract of employment. He was responsible for commercial gas, installation, service and repairs.

22. The Claimant was in charge of a Commercial Manager, Installation Manager, 2 Foremen and 32 employees. Before his employment was terminated he was given another 2 managers, one in respect of mains gas servicing and one for commercial renewable energy.

Disciplinary and suspension

23. The Claimant returned from a business trip on 23 May 2022. He was summonsed to a meeting with John Hamilton and Dougie Malone. He was told to sit down and was informed he was suspended. He asked why and was informed everything he needed to know would be in the letter of suspension he would receive. He was then asked to hand over his car keys, office keys, mobile phone and not to have access to emails. His phone was his personal phone so he refused to hand this over.

24. By email of 23 May 2022 from the Respondent's HR Director Ms Alia Taub (**AT**) the Claimant was informed he was suspended pending an investigation into a number of complaints by a client of the Respondent (City Building). These complaints centered around non-compliant installation works.

Investigation Meeting

25. AT told the Claimant to attend an investigatory meeting on 25 May 2022. The Claimant was not told what was to be discussed or who would be in

attendance. He attended the Investigation Meeting on 25 May 2022 which was conducted by John Hamilton (**JH**) and another (**SF**). He was informed this was a fact finding meeting. The Claimant was told that he could not ask any questions he was only there to answer questions. JH completed an Investigation Evidence Statement during the meeting. This comprised of series of question he asked the Claimant principally concerning process for installation, supervision and compliance within his Department.

26. JH handed the Claimant 2 photos during the course of the meeting. These were of a boiler and flue installed at 9 Elizabeth Walk, Dumfries. JH asserted that the boiler had been installed with a cracked flue and leaked CO2. The Claimant stated that the photo did not indicate or show this. The Claimant ran through the process for checking and signing off boiler installations in that property.

27. The Claimant was not provided with any other information or allegations against him.

Disciplinary Meeting

28. By email of 1 June 2022 from AT the Claimant was invited to a disciplinary meeting. This email informed him that following the findings of the investigation he was required to attend a disciplinary meeting on 9 June 2022 which would be conducted by AT.

29. The invite did not inform him of the allegations against him or the potential outcomes.

30. The Claimant was not sent the findings of the investigation.

31. By emails of 1 and 6 June 2022 the Claimant requested copies of any evidence relied upon and informed AT that the meeting should be postponed until this information was provided.

32. AT responded by emails of 6 June 2022 informing the Claimant that the meeting would not be postponed, he had been given enough notice and had been shown the evidence relied upon at the Investigation Meeting. In a

separate email of the same date AT informed the Claimant that if he failed to attend the meeting would proceed in his absence. No information would be provided in advance.

33. The Claimant emailed AT again on 6 June 2022 and requested the evidence, confirmation as to what the basis of the disciplinary meeting was to be and that the process was flawed and in breach of the ACAS Code.

34. By email of 7 June 2022 AT sent the Claimant the Respondent's Disciplinary Procedures and informed him that the suspension was based on conduct. A copy of the investigation evidence statement was enclosed.

35. The Claimant emailed AT on 7 June 2022 and asked where the evidence was and what was the conduct complained of.

36. AT responded by email of 8 June 2022 informing the Claimant that the reason why he was suspended was contained in his suspension letter.

37. The Claimant attended the Disciplinary Meeting on 9 June 2022. The Meeting was conducted by AT and comprised the Claimant coming into the meeting and AT reading a preprepared statement to him confirming that he was being summarily dismissed for gross misconduct and he had the right to appeal within 5 days. The outcome was confirmed in writing to him.

Appeal Meeting

38. The Claimant emailed AT on 12 June 2022 and enclosed his Appeal Letter.

39. By email of 13 June 2022 AT emailed the Claimant and informed him that the Appeal Meeting would take place on 15 June 2022.

40. The Claimant attended the Appeal Meeting which was conducted by Ajay Kawa (**AK**).

41. By email of 21 June 2022 AK confirmed to the Claimant that his appeal was refused for the reasons stated in that email.

Grievance

42. The Claimant submitted a Grievance by email of 26 May 2022 to AT. This detailed concerns he had that he was being undermined, bullyed and harrassed by the staff detailed in his grievance.

43. His Grievance was acknowledged by AT on 27 May 2022 by email. In that email AT informed the Claimant there would be a meeting on 30 May to discuss his grievance.

44. The Claimant sent two emails of 30 May 2022 to AT detailing questions he wished answered at his grievance meeting and further grievances.

45. The Claimant attended the Grievance Meeting with AT on 30 May 2022.

46. Following conclusion of the meeting the Claimant received an email of 31 May 2022 from AT confirming the outcome – which was that the grievances were found to be unsubstantiated.

Grievance Appeal Meeting

47. The Claimant attended a Grievance Appeal Meeting on 15 June 2022 conducted by AK.

48. AK emailed the Claimant with the outcome of the Grievance Appeal on 21 June 2022. AK refused the appeal for the reasons stated in the email.

Earnings and Loss

49. The Claimant earned £627 net/ £942 Gross whilst employed by the Respondent. He also received the benefit of a company car and employer pension contribution of £57.56 per week.

50. The Respondent did not pay the employer contribution to his pension scheme for the period from 29 March 2022 to the termination of his employment.

51. The Claimant had to use his own car to get to and from (5) disciplinary, investigation and grievance meetings at cost of 74 miles at 45 pence per mile per trip.

52. The Claimant incurred job seeking expenses of £30.

53. As at the date of termination the Claimant was due 4 days' accrued holiday pay.

54. The Claimant was out for work for 1 week after the termination of his employment. He secured employment with WM Donnelly & Company Limited and earned £2148.25 per month net.

The Relevant Law

55. The claimant asserts unfair dismissal.

Unfair Dismissal

56. Section 94 of the Employment Rights Act 1996 ("the ERA") provides for the right of an employee not to be unfairly dismissed by his employer.

Section 98(1) provides the following:-

"(1) In determining for the purposes of this Part whether the dismissal of an employee is fair or unfair, it is for the employer to show –

(a) the reason (or, if more than one, the principal reasons) for the dismissal, and

(b) that it is either a reason falling within subsection (2) or some other substantial reason of a kind such as to justify dismissal of an employee holding the position which the employee held.

(2) A reason falls within this subsection if it –

(a) relates to the capability or qualifications of the employee for performing work of the kind which he was employed by the employer to do,

(b) relates to the conduct of an employee,

(c) is that the employee was redundant, or

(d) or is that the employee could not continue to work in the position which he held without contravention (either on his part or on the part of his employer) of a duty or restriction imposed by or under an enactment.

(4) Where the employer has fulfilled the requirements of subsection (1), the determination of the question whether the dismissal is fair or unfair (having regard to the reason shown by the employer) –

(a) depends on whether in the circumstances (including the size and administrative resources of the employer`s undertaking) the employer acted reasonably or unreasonably in treating it as a sufficient reason for dismissing the employee, and

(b) shall be determined in accordance with equity and the substantial merits of the case."

57. In terms of Section 98(1) it is for the employer to establish the reason for dismissal. In the event the employer establishes there was a potentially fair reason for dismissal, the Tribunal then has to go on to consider the fairness of the dismissal under Section 98(4).

58. The Tribunal should first examine the facts known to the employer at the time of the dismissal and ignore facts discovered later. The onus of proof is on the employer.

59. The Tribunal must then ask whether in all the circumstances the employer acted reasonably in treating that reason as a sufficient reason for dismissing the employee. The onus of proof is no longer on the employer at this stage. The matter is at large for determination by the Tribunal under section 98(4).

60. The Tribunal must also consider whether the respondent carried out a fair procedure taking into account the terms of the ACAS Code of Practice. In that regard, any procedural issues identified by the Tribunal should be considered alongside the other issues arising in the claim, including the reason for dismissal (***Taylor v OCS Group Ltd [2006] EWCA Civ 702, paragraph 48)***.

61. What a Tribunal must decide is not what it would have done but whether the employer acted reasonably; ***Grundy (Teddington) Ltd v Willis HSBC Bank Plc (formerly Midland Bank plc) v Madden 2000 ICR 1283***. It should be recognised that different employers may reasonably react in different ways and it is unfair where the conduct or decision making fell outside the range of reasonable responses. The question is not whether a reasonable employer would dismiss but whether the decision fell within the range of responses open to a reasonable employer taking account of the fact different employers can equally reasonably reach different decisions. This applies both to the decision to dismiss and the procedure adopted.

62. Mr Justice Browne-Wilkinson in his judgement in ***Iceland Frozen Foods Ltd v Jones ICR 17***, in the Employment Appeal Tribunal, summarised the law. The approach the Tribunal must adopt is as follows: i. "The starting out should always be the words of section 98(4) themselves ii. In applying the section, a Tribunal must consider the reasonableness of the employer's conduct, not simply whether they (the members of the Tribunal) consider the dismissal to be fair iii. In judging the reasonableness of the employer's conduct, a Tribunal must not substitute its decision as to what was the right course to adopt In many (though not all) cases there is a band of reasonable responses to the employee's conduct which in which the employer acting reasonably may take one view, another quite reasonably take another. The function of the Tribunal, as an industrial jury, is to determine whether in the circumstances of each case the decision to dismiss the employee fell within the band of reasonable responses which the reasonable employer might have adopted. If the dismissal falls within the band the dismissal is fair, it is falls outside the band it is unfair."

63. In terms of procedural fairness, the (then) House of Lords in ***Polkey v AE Dayton Services Ltd 1988 ICR 142*** firmly establishes that procedural fairness is highly relevant to the reasonableness test under section 98(4). Where an employer fails to take appropriate procedural steps, the Tribunal is not permitted to ask in applying the reasonableness test whether it would have made any difference if the right procedure had been followed. If there is a

failure to carry out a fair procedure, the dismissal will not be rendered fair because it did not affect the ultimate outcome; however, any compensation may be reduced. Lord Bridge set out in this case the procedural steps which an employer in the great majority of cases will be necessary for an employer to take to be considered to have acted reasonably in dismissing: ”in the case of misconduct, the employer will normally not act reasonably unless he investigates the complaint of misconduct fully and fairly and hears whatever the employee wishes to say in his defence or in explanation or mitigation.”

64. Where the employer relies on conduct as the fair reason for dismissal, it is for the employer to show that misconduct was the reason for dismissal. According to the Employment Appeal Tribunal in ***British Home Stores v Burchell 1980 ICR 303*** the employer must show: 1. It believed the employee guilty of misconduct 2. It had in mind reasonable grounds upon which to sustain that belief 3. At the stage at which that belief was formed on those grounds it had carried out as much investigation into the matter as was reasonable in the circumstances. 4. The employer need not have conclusive evidence of misconduct but a genuine and reasonable belief, reasonably tested. The burden of proof is on the employer to show a fair reason but the second stage of reasonableness is a neutral burden. The Tribunal must be satisfied that the employer acted fairly and reasonably in all the circumstances in dismissing for that reason, taking account of the size and resources of the employer, equity and the substantial merits of the case

65. In some limited cases it may be permissible for Tribunals to “look behind” the stated reason for dismissal. In ***Jhuti v Royal Mail 2020 ICR 731*** the Supreme Court held that in general Tribunals should focus upon the reason given by the decision maker, subject to exceptions , such as where someone in the hierarchy of responsibility above the employee determines that for one reason the employer should be dismissed but that reason is hidden behind an invented reason which the decision maker adopts . In those exceptional cases it is the Tribunal’s duty to look beyond the invented reason. The Supreme Court noted that instances of decisions to dismiss in good faith, not just for a

wrong reason, but for a reason which the employee's line manager has dishonestly constructed will not be common.

66. In ***Ilea v Gravett 1988 IRLR 487*** the Employment Appeal Tribunal considered the Burchill principles and held that those principles require an employer to prove, on the balance of probabilities that he believed, again on the balance of probabilities, that the employee was guilty of misconduct and that in all the circumstances based upon the knowledge of and after consideration of sufficient relevant facts and factors he could reasonably do so. In relation to whether the employer could reasonably believe in the guilt, there are an infinite variety of facts that can arise. At one extreme there will be cases where the employee is virtually caught in the act and at the other extreme the issue is one of pure inference. As the scale moves more towards the latter, the matter arising from inference, the amount of investigation and inquiry will increase. It may be that after hearing the employee further investigation ought reasonably to be made. The question is whether a reason able employer could have reached the conclusion on the available relevant evidence.

67. In that case the Employment Appeal Tribunal upheld the Tribunal which found that the employer had not investigated the matter sufficiently and therefore did not have before them all the relevant facts and factors upon which they could reasonably have reached the genuine belief they held. The sufficiency of the relevant evidence and the reasonableness of the conclusion are inextricably entwined.

68. The amount of investigation needed will vary from case to case. In ***Gray Dunn v Edwards EAT/324/79*** Lord McDonald stated that "it is now well settled that common sense places limits upon the degree of investigation required of an employer who is seized of information which points strongly towards the commission of a disciplinary offence which merits dismissal." In that case the Court found that further evidence would not have altered the outcome as the employer had shown that they would have taken the same course even if they had heard further evidence. That was a case which relied upon the now superseded ***British Labour Pump v Byrne 1979 IRLR 94*** principle but emphasises that the amount of investigation needed will vary in each case.

Thus in ***RSPB v Croucher 1984 IRLR 425*** the Employment Appeal Tribunal held that where dishonest conduct is admitted there is very little by way of investigation needed since there is little doubt as to whether or not the misconduct occurred.

69. A Tribunal in assessing the fairness of a dismissal should avoid substituting what it considers necessary and instead consider what a reasonable employer would do, applying the statutory test, to ensure the employer had reasonable grounds to sustain the belief in the employee's guilt after as much investigation as was reasonable was carried out. In ***Ulsterbus v Henderson 1989 IRLR 251*** the Northern Irish Court of Appeal found that a Tribunal was wrong to find that in certain circumstances a reasonable employer would carry out a quasi-judicial investigation with confrontation of witnesses and crossexamination of witnesses. In that case a careful and thorough investigation had been carried out and the appeal that took place involved a "most meticulous review of all the evidence" and considered whether there was any possibility that a mistake had been made. The court emphasised that the employer need only satisfy the Tribunal that they had reasonable grounds for their beliefs.

70. Where there are defects in a disciplinary procedure, these should be analysed in the context in which they occurred. The Employment Appeal Tribunal emphasised in ***Fuller v Lloyds Bank 1991 IRLR 336*** that where there is a procedural defect, the question to be answered is whether the procedure amounted to a fair process. A dismissal will normally be unfair where there was a defect of such seriousness that the procedure itself was unfair or where the result of the defect taken overall was unfair. In considering the procedure, a Tribunal should apply the range of reasonable responses test and not what it would have done (see ***Sainsburys v Hitt 2003 IRLR 23***).

71. The Court in ***Babapulle v Ealing 2013 IRLR 854*** emphasised that a finding of gross misconduct does not automatically justify dismissal as a matter of law since mitigating factors should be taken into account and the employer must act reasonably. Length of service can be taken into account (***Strouthous v London Underground 2004 IRLR 636***).

72. In considering a claim for unfair dismissal by reason of conduct, the Tribunal is required to consider the terms of the ACAS Code of Practice on Disciplinary and Grievance matters. This sets out what a reasonable employer would normally do when considering dismissal by reason of conduct. This includes conducting the necessary investigations, inviting the employee to a meeting, conducting a fair meeting, issuing an outcome letter and allowing an appeal. Where a grievance has been raised during the process, it may be appropriate to pause the process and deal with the grievance or to deal with matter concurrently.

73. The reasonableness of the decision to dismiss is scrutinised at the time of the final decision to dismiss – at the conclusion of the appeal process (***West Midland v Tipton 1986 ICR 192***). This was confirmed in ***Taylor v OCS 2006 IRLR 613*** where the Court of Appeal emphasised that there is no rule of law that only a rehearing upon appeal is capable of curing earlier defects (and that a mere review never is). The Tribunal should consider the disciplinary process as a whole and apply the statutory test and consider the fairness of the whole disciplinary process. If there was a defect in the process, subsequent proceedings should be carefully considered. The statutory test should be considered in the round.

Submissions

74. The Claimant made oral submissions at the conclusion of the case and referred to the Schedule of Loss.

75. The Tribunal then considered the various claims advanced.

Unfair Dismissal

Reason for dismissal

76. The Tribunal considered the evidence in order to determine the reason, or principal reason for dismissal, at the point when that Claimant was dismissed.

77. The reason given by the Respondent was conduct. On the basis of the evidence given by the Claimant the Tribunal accepted and found that the

reason, or principal reason, for the termination of his employment was the Claimant's conduct. This is a potentially fair reason. The Tribunal went on to consider the fairness of the dismissal under Section 98(4).

78. The Tribunal examined the facts known to the Respondent at the time of the dismissal. The onus of proof is on the Respondent.

79. The Tribunal then asked whether in all the circumstances the Respondent acted reasonably in treating that reason as a sufficient reason for dismissing the Claimant. The onus of proof is no longer on the employer at this stage. The matter is at large for determination by the Tribunal under section 98(4).

80. The Tribunal followed the guidance of the Employment Appeal Tribunal in ***British Home Stores v Burchell 1980 ICR 303*** the employer must show: 1. It believed the employee guilty of misconduct 2. It had in mind reasonable grounds upon which to sustain that belief 3. At the stage at which that belief was formed on those grounds it had carried out as much investigation into the matter as was reasonable in the circumstances. 4. The employer need not have conclusive evidence of misconduct but a genuine and reasonable belief, reasonably tested. The burden of proof is on the employer to show a fair reason but the second stage of reasonableness is a neutral burden. The Tribunal must be satisfied that the employer acted fairly and reasonably in all the circumstances in dismissing for that reason, taking account of the size and resources of the employer, equity and the substantial merits of the case

Reasonable Grounds to sustain belief of misconduct

81. The Tribunal considered the available evidence. It was not clear upon what evidence the Respondent had relied to form the belief of misconduct. There had been an abject failure to provide any evidence or to give the Claimant the basic details of the allegations against him. The only limited evidence provided was two photographs of an alleged defective boiler installation which installation had not been performed by the Claimant.

82. The Tribunal concluded that the Respondent did not have any grounds upon which to sustain the belief of misconduct.

Reasonable investigation

83. The Claimant had been interviewed and an investigation evidence statement taken. This did not set out any allegations. It was a fact finding exercise regarding what processes the Claimant had in place for installations.

84. No further statements or documents were provided. No details of any complaints regarding the installation works were provided. No detail of the interviews with gas safety experts, investigating officer or evidence from City Buildings was produced despite being referred to in the Respondent's letter to the Claimant (21 June 2022).

85. In light of the absence of any evidence other than the 2 photographs referred to (which were at best inconclusive) the Tribunal concluded there had been no reasonable investigation.

Genuine and Reasonable Belief of Misconduct

86. It necessarily follows that the Respondent did not have a genuine and reasonable belief of misconduct. The Respondent had no evidence upon which to base that belief.

Was dismissal fair and reasonable in all the circumstances

87. The Tribunal considered and found that it was not. There had been a complete failure to undertake a fair process and lack of any evidence upon which to base a finding of misconduct. No reasonable employer would have dismissed in the circumstances. Dismissal was outwith the band of reasonable responses.

Polkey reduction

88. The Tribunal considered that there was no basis upon which to make a reduction following ***Polkey***. The Respondent totally failed to investigate and follow a fair process.

ACAS Uplift

89. There had been an abject failure to follow any fair process in the particular circumstances of this case. The Respondent had consciously chosen not to provide the Claimant with details of the allegations or evidence against him and had reached conclusions on these allegations without hearing from the Claimant. The Tribunal concluded the Respondent's failures in this regard were so far from a fair process that the maximum uplift should be awarded.

Mitigation of Loss

90. The Claimant secured alternate employment within a week. The Tribunal considered that the Claimant had fulfilled the duty incumbent upon him to mitigate his loss.

Remedy

91. The Tribunal award compensation as follows:

Basic Award

92. The Tribunal make a Basic Award of £2,284 (4 weeks x £571).

Compensatory Award

93. The Tribunal considers it just and equitable to make a compensatory award as follows:

(i) Pension Loss (29 March 2022 to 22 June 2022) £690.72 (12 weeks x £57.56);

(ii) Loss of Earnings

1 weeks lost pay from date of termination to date of commencement of new employment = £627;

52 weeks difference in pay between earnings with Respondent and current employer in respect of past and future loss (£32,664 - £25,779) = £6,885.

(iii) Loss of Statutory Rights = £500.

(iv) Job Seeking Expenses = £30.

(v) Mileage to and from investigation and disciplinary meetings (74miles x 45p) x 5 = £166.50.

Total Compensatory Award = £9,400.82

94. The Claimant was entitled to an uplift of 25% in respect of his compensatory award (£9,400.82 x 25%) = £11,751.03.

Holiday pay

95. The Tribunal awarded £501.60 in respect of 4 days accrued and unpaid.

Employment Judge: **A Strain**
Date of Judgment: **27 October 2022**
Entered in register: **28 October 2022**
and copied to parties