



EMPLOYMENT TRIBUNALS

Claimant: Mrs J Dickson
Respondent: Barchester Healthcare Limited

AT A REMEDY HEARING

Heard at: Leeds by CVP (video link) **On:** 21st December 2020
Before: Employment Judge Lancaster

Representation

Claimant: Mrs C Dickson (friend)
Respondent: Mr P Singh, solicitor

This has been a remote hearing which has been consented to by the parties. The form of remote hearing was CVP (video link) (V). A face to face hearing was not held because it was not practicable and all issues could be determined in a remote hearing

JUDGMENT

1. The Respondent is, by consent ordered to pay to the Claimant damages for breach of contract (wrongful dismissal) in the gross sum of £3328.68
2. The Respondent is ordered to pay to the Claimant compensation for unfair dismissal as follows: -

Basic award (9 weeks' pay on the basis of 6 years continuous employment over the age of 41, capped at £525 per week) less a 10 per cent reduction for contributory conduct

£4252.50

Loss of earnings 49 weeks (at £445.28 per week net) from the end of the notional 6 week notice period to date plus employers' pension contributions (at £13.10 per week)
[£22,460.62]

Loss of 3 months' future earnings plus pension contributions

[£5958.90]

Loss of statutory rights

[£500.00]

Case: 1801137/2020 (V)

Compensatory award reduced by 25 per cent under "Polkey" and then by a further 10 per cent for contributory fault

£19,520.68

3. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply to the Unfair Dismissal award as follows: -

Total award for unfair dismissal	£23,773.18
Prescribed amount	£14727.64
Prescribed period 3 rd December 2019 to 21 st December 2020	
Excess of total award over prescribed amount	£9,045.54

4. There is no order for costs (preparation time award)

EMPLOYMENT JUDGE LANCASTER

DATE 21st December 2020

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.