



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr S Broadist

**Respondent:** HM Prison Service

**Heard at:** Manchester                      **On:** 9 March 2020

**Before:** Employment Judge Phil Allen

## **Representation**

**Claimant:** Miss L Quigley (counsel)

**Respondent:** Did not attend (no response having been received)

# JUDGMENT

1. The claimant was discriminated against in relation to age by the respondent contrary to section 19 Equality Act 2010 (indirect discrimination) and his claim for indirect discrimination is well founded.
2. The claimant was less-favourably treated by the respondent on the grounds that he was a part-time worker contrary to regulation 5 of the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 and his claim under those regulations is well founded.
3. The respondent did fundamentally breach the claimant's contract of employment and his claim for breach of contract is well founded.
4. The claimant was unfairly dismissed by the respondent and his claim for unfair (constructive) dismissal is well founded.
5. The respondent is ordered to pay damages to the claimant for breach of contract in respect of notice in the sum of **£10,426**. This sum is to be paid to the claimant within 14 days of the date of this Judgment.
6. The respondent is ordered to pay the claimant the gross sum of **£14,700** as a basic award for unfair dismissal. This sum is to be paid to the claimant within 14 days of the date of this Judgment.
7. The respondent is ordered to pay the claimant gross sum of **£69,901.80** as compensation for age discrimination. This sum is to be paid to the claimant within 14

days of the date of this Judgment. This award has been calculated as follows:

- a. £10,000 as an award for injury to feelings;
  - b. £6,445 as compensation for losses incurred prior to dismissal;
  - c. £14,944 as compensation for losses incurred between the date of dismissal and the date of hearing;
  - d. £37,585 as compensation for future loss (grossed up);
  - e. £429.67 as interest on the losses incurred prior to dismissal; and
  - f. £498.13 as interest on the losses incurred between the date of dismissal and the date of hearing.
8. No additional award is made in respect of the unfair dismissal compensatory award or an award for less favourable treatment as a part-time worker.

Employment Judge Phil Allen

10 March 2020

JUDGMENT SENT TO THE PARTIES ON

13 March 2020

FOR THE TRIBUNAL OFFICE

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or 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](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2410153/2019**

Name of case: **Mr S Broadist** v **HM Prison Service**

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 decision day" is: **12 March 2020**

"the calculation day" is: **13 March 2020**

"the stipulated rate of interest" is: **8%**

For the Employment Tribunal Office