



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr N T Devenport

**Respondent:** Prosaw Ltd

## FINAL HEARING

**Heard at:** Birmingham

**On:** 4 to 6 August 2021

**Before:** Employment Judge Camp

**Members:** Mr J Wagstaffe  
Mr P Talbot

### Appearances

For the claimant: in person

For the respondent: Mr K Ali, counsel

## JUDGMENT

- (1) The claimant was unfairly dismissed.
- (2) If the remedy is compensation only:
  - a. the compensatory award will be £nil, pursuant to the so-called 'Polkey principle' (see: Polkey v AE Dayton Services Ltd [1987] UKHL 8; paragraph 54 of Software 2000 Ltd v Andrews [2007] ICR 825);
  - b. there will be no basic award, because the reason for dismissal was redundancy and the claimant was paid a statutory redundancy payment.
- (3) The religion and belief discrimination claims fail.
- (4) In light of the above, and having had discussions with the respondent, the claimant does not wish the Tribunal to make an order for reinstatement or re-engagement.

Employment Judge Camp

6 August 2021