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EMPLOYMENT TRIBUNALS

Claimant: Jimmy Sparks

Respondent 40TUDE Ltd (Formerly J&M Insurances Services (UK) Ltd

Heard at: East London Hearing Centre

On: 14 and 15 September 2022

Before: Employment Judge Sugarman

Representation

Claimant: In person

Respondent: Mr McCombie, Counsel

JUDGMENT

1. The name of the Respondent is amended, following a change of the company's name, from J&M Insurance Services (UK) Ltd to 40TUDE Ltd.
2. The Claimant's claim for a statutory redundancy payment is dismissed upon withdrawal.
3. The Claimant's claim of unfair dismissal pursuant to ss95, 98 and 111 of the Employment Rights Act 1996 succeeds. The Claimant was unfairly dismissed.
4. The Claimant's compensatory award is reduced by 20% to reflect the likelihood that the Claimant would have been fairly dismissed in any event (the "**Polkey**" deduction).
5. The Respondent is ordered to pay the Claimant the sum of £8,079.20 as compensation for unfair dismissal.
6. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply. The annex to the Judgment contains further details:

- a. The total monetary award is £8,079.20
- b. The prescribed element is £7,279.20
- c. The prescribed period is 24 April 2020 – 26 October 2020
- d. The amount by which the monetary award exceeds the prescribed element is £800

7. The breakdown of the award for unfair dismissal is as follows:

<u>Basic Award</u>	£0
<u>Compensatory Award</u>	
<i>Prescribed Loss</i>	
Past loss of earnings to 26 October 2020	£9,099
Polkey deduction (20%)	(£1,819.80)
Total Prescribed loss	£7,279.20
<i>Non Prescribed Loss</i>	
Loss of statutory rights	£500
Expenses incurred looking for employment	£500
Polkey deduction (20%)	(£200)
Total non prescribed loss	£800
GRAND TOTAL	£8,079.20

Employment Judge Sugarman
Dated: 15 September 2022