



# EMPLOYMENT TRIBUNALS

**Claimant**

**Respondent**

**Mr Stephen Whitmer**

**v**

**The Natural History Museum**

**Heard at:** London Central (by video)

**On:** 13, 14 & 15 March 2024

**Before:** Employment Judge P Klimov (sitting alone)

**Representation:**

**For the Claimant:** Ms S Haines, lay representative

**For the Respondent:** Ms E Wheeler, of counsel

## JUDGMENT

The judgment of the Tribunal is as follows:

*Unfair Dismissal:*

1. The complaint of unfair dismissal is well-founded. The claimant was unfairly dismissed.
2. The respondent unreasonably failed to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures 2015 and it is just and equitable to increase the compensatory award payable to the claimant by **20%** in accordance with s 207A Trade Union & Labour Relations (Consolidation) Act 1992.
3. The respondent shall pay the claimant the following sums:

3.1 A basic award of **£4,282.50**, and

3.2 A compensatory award of **£10,021.84**, comprising of:

|   |                  |
|---|------------------|
| i. Loss of statutory right                      | £500             |
| ii. Agreed net pay for 11 weeks                 | £7,060.90        |
| iii. Loss of pension contributions for 11 weeks | £790.63          |
| <u>Total:</u>                                   | <u>£8,351.53</u> |

Plus 20% ACAS uplift on that sum: £1,670.31

Holiday Pay:

4. The complaint in respect of holiday pay is well-founded.
5. The respondent made an unauthorised deduction from the claimant's wages by failing to pay the claimant for holidays accrued but not taken on the date the claimant's employment ended and is ordered to pay to the claimant **£815.43** (gross) in respect to the amount deducted. The claimant is responsible for paying any tax or National Insurance due.

**Employment Judge Klimov**

15 March 2024

Sent to the parties on:

28 March 2024

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For the Tribunals 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.

## **Recording and Transcription**

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>