



EMPLOYMENT TRIBUNALS

Claimant Ms Ebony Morris

Respondent James Mackle (UK) Limited

HEARD AT: WATFORD (By Cloud Video Platform) **ON:** 23 August 2024

BEFORE: Employment Judge J Lewis KC

Representation:

For the Claimant: Ms Binns (Lay representative).

For the Respondent: Michael Mackle (Managing Director)

JUDGMENT

Upon reconsideration of the Judgment sent to the parties on 28 August 2024, paragraph 2 of the Judgment is varied in relation to the award of compensation for unfair dismissal. The Claimant was unfairly dismissed, but the award of compensation in relation to this is revoked, and there is no compensatory (or basic) award in respect of that claim.,

REASONS

1. At the conclusion of the hearing on 23 August 2024 I gave judgment which included a finding of unfair dismissal, and a compensatory award in relation to this of £1,222.50. However in drawing up the written judgment, I noticed that there was an error in the calculation of the compensatory award in that it had not given credit for the enhanced redundancy payment made by the Respondent.
2. Accordingly, together with the Judgment, in a letter sent to the parties on 28 August 2024, I raised this point and notice was given that I was considering varying the Judgment in order to correct this.
3. The letter drew attention to s.123(7) of the Employment Rights Act 1996 which provides that:

“If the amount of any payment made by the employer to the employee on the ground that the dismissal was by reason of redundancy (whether in pursuance of Part XI or otherwise) exceeds the amount of the basic award which, would be payable but for s.122(4), that excess goes to reduce the amount of the compensatory award.”

4. As was noted in the letter this provision requires that credit has to be given for the enhanced redundancy payment and, further, the credit must be given from the award after taking into account the reduction for the chance of dismissal in any event. The letter further noted that since the enhanced redundancy payment in excess of statutory redundancy was £1,680, this would extinguish in full the compensatory award.
5. The letter gave notice that I was proposing to vary the Judgment to make this correction and required that if either party wished to make representations about this proposed correction they must do so in writing by no later than 4pm on 16 September 2024 (or if later 14 days from the date the Judgment was sent).
6. I am informed by the Tribunal office that no response has been received. In the circumstances, for the reasons set out above, I am satisfied that there was an error in the Judgment in not giving credit for the enhanced redundancy payment, and that it is in the interests of justice to correct this. As noted in the letter the Respondent did, albeit briefly, mention the issue of credit for the payment.
7. I am satisfied that it is not necessary in the interests of justice for there to be a further hearing prior to making this correction. I take into account that the letter of 28 August 2024 highlighted that I was minded to take that course if there was no response by the time stated, and no request for a hearing.

Employment Judge Lewis

Date: 25 September 2024

JUDGMENT SENT TO THE PARTIES ON
2 October 2024

FOR THE SECRETARY TO THE TRIBUNALS

Notes

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