

mf



EMPLOYMENT TRIBUNALS

Claimant: Mrs A M Allen

Respondent: London Borough of Barking & Dagenham

Before: Employment Judge C Hyde

SECOND REMEDY JUDGMENT

BY CONSENT, the Respondent was ordered to pay to the Claimant by 14 December 2017, the total sum of £44,666.25 as compensation for unfair dismissal and wrongful dismissal.

REASONS

1 By an email sent to the Tribunal on 12 December 2017 by the Respondent's legal representative, the Tribunal was informed that the parties had agreed on the compensation to be paid to the Claimant pursuant to the Tribunal's reserved remedy judgment which was sent to the parties on 15 November 2017 ("the first remedy judgment").

2 The agreement was for the payment of a total sum of £44,666.25 as compensation for unfair dismissal.

3 This second remedy judgment supersedes the first remedy judgment which did not deal with all aspects of remedy. The matters dealt with and set out in the reserved remedy judgment were included in the parties' calculations.

4 Further the Tribunal noted that in the first remedy judgment the sum for the basic award had been inaccurately expressed as £1,439. The parties had corrected this error and the Tribunal hereby corrected the typing/calculation error in the judgment of 15 November 2017 by replacing the sum of £1,439 with £1,437 being the total of 2 full years x 1.5 x £479.

HEADS OF COMPENSATION**Wrongful dismissal**

<u>31 August-31 Dec 16</u>	£14,992
----------------------------	---------

Unfair dismissal

<u>A Basic Award</u>	£1,437
-----------------------------	--------

B Loss of Earnings

Past loss of earnings 1 January-19 May 2017	£17,053 [19 weeks and 5 days]
--	-------------------------------

Future loss of earnings 20 May-31 August 2017	£12,728 [15 weeks and 5 days]
--	-------------------------------

Less earnings 1 January-31 August 2017]	£5,785
--	--------

Total loss of earnings £17,053 + £12,728 - £5,785 =	£23,996
--	---------

<u>C Loss of employment rights</u>	£350
---	------

Total unfair dismissal £1,437 + £23,996 + £350 =	£25,783
---	---------

Section 38

[Adjustment for failure to provide written particulars] 2 weeks x £479	£958
--	------

Grand total

Wrongful dismissal plus unfair dismissal Plus Section 38 £14,992 + £25,783 + £958 =	£41,733
---	---------

Tax payable on sum above £30,000 i.e. £11,733	£2,933.25
--	-----------

Grossing up £41,733 + £2,933.25	£44,666.25 (total figure)
---------------------------------	----------------------------------

The Recoupment Regulations do not apply as the Tribunal did not calculate all aspects of the award.

Employment Judge Hyde

8 January 2018