



EMPLOYMENT TRIBUNALS

Claimant: Mr. I. K. Harling

Respondent: Eastbourne Borough Council

Heard at: London South Croydon

On: 7 March 2019

Before: Employment Judge Sage

Members: Dr Fernando
Ms. H Pollard

Representation

Claimant: Mr Chegwidden of Counsel

Respondent: Mr Curtis of Counsel

JUDGMENT

1. The Respondent is ordered to pay to the Claimant injury to feelings of £23,500 together with a payment of interest at 8% of £6350.79. The total sum is therefore £29,850.79.
2. The Respondent is ordered to re-engage the Claimant in employment that is comparable to that from which he was dismissed, or other suitable employment. The terms for the re-engagement are as follows:
 - a. The identity of the employer is Eastbourne Borough Council;
 - b. The nature of the employment is the role of Neighbourhood Adviser (Operational) or any such equivalent role;
 - c. The remuneration of the role is Contribution Zone of Band C, the salary at the date of termination was agreed to be £21,207. This salary is to be uplifted to take into account pay increases as a result of any restructure or of any employer wide pay awards;
 - d. The Respondent shall pay to the Claimant arrears of pay that he might reasonably expected to receive but for the dismissal, including the long service award payable on the anniversary of his 25th year of continuous service. This sum shall be paid net of earning received by the Claimant from the date of dismissal to the date of re-engagement of £19023.96. The sums due to be paid shall be agreed by the 29 March 2019;
 - e. The Respondent is ordered to reinstate the Claimant into the Respondent's pension scheme and to pay a lump sum into the pension scheme to reflect the value of the pension contributions from the date of dismissal to the date of re-engagement that puts the Claimant into a position at the date of retirement, as if he had not been dismissed. This sum is to be agreed by

- the 29 March 2019;
f. The date of re-engagement is 29 March 2019.

Employment Judge **Sage**
Date: 7 March 2019

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 shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.