



EMPLOYMENT TRIBUNALS

Claimant: Mrs G. Martin

Respondent: Circle Insurance Services Limited

Heard at: Birmingham

On: 3 & 4 April 2019

Before: Employment Judge V. Jones

Representation

Claimant: In person

Respondent: Ms. C. Lord, Counsel

JUDGMENT

1. The Claimant was unfairly dismissed by the Respondent contrary to Sections 94 and 98 Employment Rights Act 1998 (ERA).
2. The claimant sought compensation. However no award of compensation is payable because the payments made by the Respondent to the Claimant exceed the basic and compensatory awards payable to her as a result of her unfair dismissal.
3. The detailed calculations are set out at Annex A attached to this decision.

Employment Judge V. Jones
24 April 2019

Annex A

A Basic Award (section 119 ERA)

The claimant is entitled to a basic award of £1,384.62 (3 weeks @ £461.64 gross). The respondent paid her a redundancy payment of £2,000. Thus she is not entitled to any further award

B Compensatory award (Section 123 ERA)

	£
Loss of earnings from 19 April to 13 June 2018 8 weeks @ 184.31 per week net	1,474.48
ADD loss of statutory rights	+ <u>400.00</u>
<u>Sub-total</u>	<u>1,874.48</u>
 <u>Less</u> paid by the respondent	
Excess of redundancy payment over basic award	613.38
Pay in lieu of notice (one month's salary @ 390.08 p.w net)	<u>1,690.34</u> - <u>2,303.72</u>
<u>Total compensatory award</u>	<u>0.00</u>

Explanatory notes

1. The claimant's loss of earnings as a result of her dismissal is limited to the period from 19/4/17 to 13/6/18 (8 weeks) at the salary she would have earned had she remained working for the respondent as a part-time administrator/receptionist. From 13/6/18 she obtained employment at a salary commensurate with that she would have earned with the respondent. Although she subsequently left that employment on 4 August 2018, before her fixed term contract expired, this was for personal reasons. I have found that any loss she incurred after that date was not caused by her dismissal by the respondent.

2. The part-time administrator receptionist role was paid at the rate of £ 9,714.29 per annum (£17,000 pro rata for 20 hours) which equates to £186.81 pw. This is below the income tax threshold but would be subject to a £2.50 pw deduction for national insurance (12% of earnings above £166 pw). The claimant's net pay would thus be 184.31 pw.

3. No uplift has been added under section 207A Trade Union and Labour Relations (Consolidation) Act 1992 because the ACAS Code of Practice on Disciplinary and Grievance Procedures does not apply to redundancy dismissals.

4. As the payments made to the claimant by the respondent exceed her losses flowing from the dismissal, no compensation is payable.