



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr M Darlington

**Respondent:** Interserve (Facilities Management) Ltd

**Heard at:** Birmingham **On:** 5 October 2020

**Before:** Employment Judge Miller  
Ms S Outwin

## Representation

Claimant: In person  
Respondent: Miss I Ferber

# JUDGMENT ON REMEDY

1. The tribunal does not make an award of compensation to the claimant.
2. The claimant's basic award is wholly offset by his statutory redundancy payment.
3. The claimant's compensatory award is reduced to nil, in accordance with the principles in *Polkey v A E Dayton Services Ltd* 1988 ICR 142 HL, on the basis that there is a 100% chance that the claimant would have been dismissed had the respondent engaged in proper consultation with the claimant prior to the decision to select him for redundancy.

Signed by: Employment Judge Miller

Signed on: 5 October 2020

## 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.