



EMPLOYMENT TRIBUNALS

Claimant: Mrs C Watson

Respondent: Ferguson Cars Ltd

FINAL HEARING

Heard at: Midlands (West) (by CVP)

On: 20 April 2021

Before: Employment Judge Camp

Appearances

For the claimant: Mr H Haycocks, lay representative

For the respondent: Mr P Roberts, solicitor

JUDGMENT & ORDER

- (1) It is ordered that:
 - a. the claimant's applications for further information, specific disclosure, and a postponement are refused;
 - b. the claimant may not give evidence in chief about the document at page 81 of the hearing bundle.
- (2) The claimant was unfairly dismissed.
- (3) The reason for dismissal was redundancy.
- (4) The claimant is not seeking reinstatement or re-engagement.
- (5) Any compensatory award is to be reduced in accordance with the so-called Polkey principle (see Polkey v AE Dayton Services Ltd [1987] UKHL 8 and paragraph 54 of Software 2000 Ltd v Andrews [2007] ICR 825) such that it will – subject to questions of mitigation and to any other remedy issues – be based on a sum equivalent to what the claimant would have earned if: working for the respondent for 4 hours per week at £20 per hour from 1 July 2020; and on flexible furlough until 31 July 2020; and thereafter simply working and being paid for those hours.

- (6) In light of the above, and without prejudice to any appeal or application for reconsideration, by consent: the claimant is awarded, and the respondent must pay her, a sum of **£5,000** in compensation.
- (7) Reasons were given orally. Written reasons will not be provided unless they are asked for by a written request presented by either party within 14 days of the sending of the written record of the decision.

Signed by: Employment Judge Camp
Signed on: 20 April 2021