



# EMPLOYMENT TRIBUNALS

**Claimant:** Dr J Lawson

**Respondent:** The Society of St Stephen's House

**UPON APPLICATION** made by letter dated **27 July 2021** to reconsider the judgment given orally on **23 July 2021** and sent to the parties on **21 September 2021** under rule 71 of the Employment Tribunals Rules of Procedure 2013

## RECONSIDERED JUDGMENT

1. The complaint of unfair dismissal is well-founded and succeeds.
2. The Respondent is ordered to pay to the Claimant **£40,292**.
3. Recoupment does not apply.

## REASONS

1. Having invited the parties to make written submissions on the Claimant's application for a reconsideration, giving my provisional view that there was no need for a hearing, the Respondent has made no submissions by the deadline.
2. I have decided that the reconsideration can take place without a hearing because it concerns an issue of law on agreed facts and written submissions were sufficient to deal with it.
3. I agree with the Claimant's application that the Judgment should be varied so as to include pension contributions in the amount of the statutory cap on compensation. The original judgment did not do so and there is clear law that this was incorrect.
4. Pension contributions paid by the employer are to be included in 'remuneration' for the purposes of establishing the statutory cap on compensation, as was held by the EAT in University of Sunderland v Drossou [2017] ICR D23.
5. There was undisputed evidence that the pension contributions amounted to £9,353 per annum. The statutory cap should therefore have been the Claimant's annual salary of £29,364 plus £9,353 equalling £38,717. The total award should therefore be this plus the basic award of £1575.00.

6. The new calculation of the award is therefore set out in the appendix below and judgement varied as set out in bold in this judgment.

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Employment Judge **Moor**

**1/11/2021**

JUDGMENT SENT TO THE PARTIES ON

**29/11/2021**

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FOR THE TRIBUNAL OFFICE

## CALCULATION OF AWARD

Gross pay £564.69 per week. £29,364 per 52 weeks.

**Basic Award**

Statutory Limit on week's pay £525

2 x 1.5 x 525 = **£1575.00**

**Compensatory Award**

Loss wages at 453.71 x 86 = 39,019.06

Loss pension same period 9353 x 86/52 = 15,468.42

Removal and storage 14,697.00

Loss statutory rights 500.00

Total loss 69,684.48

Polkey 20% reduction (13,936.90)

Total compensatory award prior to grossing up 55,747.58

Did not gross up because statutory cap applies

B: Total compensatory award payable

Salary of 29,364 plus pension contributions of 9,353 **38,717**

**Total A + B £40,292**

Recoupment does not apply because I am satisfied that the Claimant did not receive any relevant benefits.