



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Arthur Mark Robinson

**Respondent:** The Home Office

**Heard by** CVP: Remote video link **On:** 24 July 2023

**Before:** Employment Judge D N Jones

## REPRESENTATION:

**Claimant:** In person

**Respondent:** Mr A Tinnion, counsel

# JUDGMENT on REMEDY

1. The respondent shall pay to the claimant damages, for breach of contract in dismissing him without notice, of £9,010.02. That is a gross sum which will be subject to deductions to HMRC.
2. The respondent shall pay to the claimant compensation for unfairly dismissing him in the sum of £42,881.71. That is a basic award of £4,896 and a compensatory award of £37,926.71, full details of which are set out in the schedule below.
3. The recoupment provisions do not apply.
4. The application of the respondent to vary the time for payment of the award under rule 66, to the date when an application for an appeal to the Employment Appeal Tribunal under rule 3(10) must be made, is refused.

# SCHEDULE

## Wrongful dismissal

7 weeks' notice pay @ £1,006.61 pw	£7,044.10
7 weeks' pension contributions	£1,965.92

<u>Total</u>	<b><u>£9,010.02</u></b>
--------------	-------------------------

## Unfair dismissal

### Basic award

Agreed sum:	<b><u>£4,896</u></b>
-------------	----------------------

### Compensatory award

Weekly net remuneration (£606.02 pay and £169.08 pension contributions)	£775.10
--	---------

Loss of earnings from 16 November 2021 to 16 May 2023, after which the claimant reasonably could mitigate any continuing losses, being 18 months or 78 weeks.

£775.10 pw x 78 weeks	£60,457.80
-----------------------	------------

Reduced by 50% chance the claimant would have left the employment of the respondent over that period in any event:	£30,228.90
--	------------

### Grossing up of sums not subject to tax free termination allowance of £30,000:

£30,000 less other payments directly or indirectly received with respect to the termination of employment, namely £500 loss of statutory rights and basic award of £4,896 = £24,604. That is the remainder of the tax-free allowance.

The compensation payable in excess of that sum with respect to lost earnings, namely £5,624.90 (£30,228.90 - £24,604), shall be taxable at the marginal tax rate of 40%.

Grossing up of that excess, taxable sum:  $£5,624.90 \div 0.6 = £9,374.83$ .

The additional tax payable on the award for loss of earnings is £3,749.93 (£9,374.83 - £5,624.90).

### Components of compensatory award:

1. Losses of earnings	£30,228.90
2. Tax payable on that loss	£ 3,749.93
3. Loss of statutory rights	£ 500.00

Sub total	<b><u>£34,478.83</u></b>
-----------	--------------------------

Additional award of 10% for unreasonable failure to comply with ACAS Code of Practice on Discipline and Grievance Procedures	£3,447.88
--	-----------

<u>Total compensatory award</u>	<b><u>£37,926.71</u></b>
---------------------------------	--------------------------

Employment Judge D N Jones

Date: 24 July 2023

**Note**

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.