



EMPLOYMENT TRIBUNALS

Claimant: Mr R Latchman

Respondent: Department for Work and Pensions

Heard at: Birmingham Employment Tribunal (by Video Hearing)

On: 11 September 2023

Before: Employment Judge M Butler
Ms W Ellis
Dr G Hammersley

Representation

Claimant: Mr O Isaacs (of Counsel)

Respondent: Mr R Ryan (of Counsel)

REMEDY JUDGMENT

1. It is ordered that the claimant be re-engaged pursuant to s.115 of the Employment Rights Act 1996 ('ERA').
2. Any compensation paid to the claimant is subject to a 30% deduction for contributory fault.
3. The terms on which the claimant will be re-engaged are as follows:
 - a. The identity of the employer: The Department of Works and Pensions (s.115(2)(a) ERA).
 - b. The nature of employment: At grade Administrative Officer (AO) National, at the respondent's Birmingham or Dudley office (s.115(2)(b) ERA).
 - c. Remuneration: at an annual gross figure of £18,478 (claimant's pay at time of dismissal) plus any uplifts, to take account any annual increases to pay and any other uplifts that would have been applied to the claimant had he not been unfairly dismissed (s.115(2)(c) ERA).
 - d. Amount payable to the claimant for the period between date of termination and date of re-engagement (s.115(2)(d) ERA):
 - i. The net sum of: £102,283.20, plus any uplifts to the pay during the affected period, minus 30% for contributory fault.
 - ii. 4 weeks pay at current AO rate that claimant would have been entitled to had he not been dismissed, minus 30% for contributory

- fault.
- iii. The respondent will be responsible for grossing up the figure for the purpose of making any necessary deductions (tax, pension contributions etc).
 - e. The claimant be reinstated to the Alpha Pension Scheme as if he had not been dismissed. The respondent shall make whatever employer contributions are necessary to give effect to this order (s.115(2)(e) ERA).
 - f. This order must be complied with by 06 October 2023 (s.115(2)(f) ERA). Should the respondent comply with this order by an earlier date, then the figure at para 3(d)(ii) should be reduced accordingly.
4. The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 (as amended) will apply to this award. However, this will be addressed following the re-engagement of the claimant. As the tribunal will require the precise figures of the award, and directions for the respondent to provide those figures will follow this event.

Employment Judge **Mark Butler**

Date: 11 September 2023