



EMPLOYMENT TRIBUNALS

Claimant

Mr M R Gore

v

Respondent

Sefton Metropolitan
Borough Council

Heard at: Liverpool (by CVP)

On: 5 January 2024

Before: Judge Johnson

Appearances

For the Claimants: Mr J Searle (counsel)

For the Respondent: Mr P Harthan (counsel)

REMEDY JUDGMENT

- (1) Following the decision made in the Tribunal's judgment on liability dated 13 June 2023, the respondent shall pay the claimant the sum of **£43,046.11 (Forty-Three Thousand, Forty-Six Pounds 11 Pence only)** in full and final settlement of the successful complaint of unfair dismissal and as discussed in the paragraphs below.
- (2) This judgment is calculated on the following basis, applying relevant just and equitable principles under the Employment Rights Act 1996, as applied below:

| UNFAIR DISMISSAL | |
|---|-----------------------|
| A. Basic Award 1. Completed years of service at date of effective termination = 6 years 2. Weeks' pay = £615.38 per week gross 3. Claimant's age at effective date of termination: 60 years, (therefore 1 ½ week's pay for each completed year of service) | Subtotal/Total |

| | |
|--|-------------------|
| 4. Calculation for basic award is therefore: (£615.38 x 1 ½) x 6 = £5538.42 | |
| Subtotal (Basic Award) | £5538.42 |
| B. Compensatory Award 1. Past loss of earnings = £32,000 (1 year's gross pay) 2. Future loss of earnings = nil 3. Loss of Statutory rights = £615.38 (1 week's gross pay) 4. Uplift of 15% of the compensatory award for failure of respondent to comply with relevant Code of Practice as provided by s207A Trade Union & Labour Relations (Consolidation) Act 1992, (£32,615.38 x 15%) = £4892.31 | |
| Subtotal (Compensatory Award) £32,615.38 + £4892.31 = £37,507.69 | £37,507.69 |
| Grand total (£37,507.69 + £5538.42) | £43,046.11 |

This judgment is subject to the application of the recoupment provisions required by the *Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 (SI1996/2349)*. These provisions require the Tribunal to identify the following four items in its judgment:

1. Prescribed element

The part of the award held back from the claimant by the respondent until the value of any state benefits subject to the recoupment procedure are known. This relates to the past loss of earnings figure of £32,000.

2. Prescribed period

*This relates to the period between the effective date of termination and the date of the remedy hearing. This relates to the period from **28 February 2022** to **5 January 2024**.*

3. Total Award

*This is the total figure of the judgment which is **£43,046.11**.*

4. Balance

*This is the difference between the total award and prescribed elements and must be paid to the claimant immediately. This figure is (£43,046.11 - £32,000), **£11,046.11**.*

The claimant has provided his National Insurance number to the Tribunal and the respondent and the respondent will pay the proportionate amount of the prescribed element once the recoupment exercise has been concluded in accordance with the 1996 Regulations.

Employment Judge Johnson

Date: 5 January 2024

Sent to the parties on:
11 January 2024

For the Tribunal Office

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 shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2403087/2022**

Name of case: **Mr M R Gore** v **Sefton Metropolitan
Borough Council**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day**, **the calculation day**, and **the stipulated rate of interest** in your case. They are as follows:

the relevant decision day in this case is: 11 January 2024

the calculation day in this case is: 12 January 2024

the stipulated rate of interest is: **8% per annum**.

Mr S Artingstall
For the Employment Tribunal Office

GUIDANCE NOTE

1. There is more information about Tribunal judgments here, which you should read with this guidance note:
www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

If you do not have access to the internet, you can ask for a paper copy by telephoning the Tribunal office dealing with the claim.

2. The payment of interest on Employment Tribunal awards is governed by The Employment Tribunals (Interest) Order 1990. Interest is payable on Employment Tribunal awards if they remain wholly or partly unpaid more than 14 days after the **relevant decision day**. Sums in the award that represent costs or expenses are excluded. Interest starts to accrue from the day immediately after the **relevant decision day**, which is called **the calculation day**.
3. The date of the **relevant decision day** in your case is set out in the Notice. If the judgment is paid in full by that date, no interest will be payable. If the judgment is not paid in full by that date, interest will start to accrue from the next day.
4. Requesting written reasons after you have received a written judgment does **not** change the date of the **relevant decision day**.
5. Interest will be calculated as simple interest accruing from day to day on any part of the sum of money awarded by the Tribunal that remains unpaid.
6. If the person paying the Tribunal award is required to pay part of it to a public authority by way of tax or National Insurance, no interest is payable on that part.
7. If the Secretary of State has claimed any part of the sum awarded by the Tribunal in a recoupment notice, no interest is payable on that part.
8. If the sum awarded is varied, either because the Tribunal reconsiders its own judgment, or following an appeal to the Employment Appeal Tribunal or a higher court, interest will still be payable from **the calculation day** but it will be payable on the new sum not the sum originally awarded.
9. The online information explains how Employment Tribunal awards are enforced. The interest element of an award is enforced in the same way.

**ANNEX TO THE JUDGMENT
(MONETARY AWARDS)**

Recoupment of Benefits

The following particulars are given pursuant to the Employment Protection (Recoupment of Benefits) Regulations 1996, SI 1996 No 2349.

The Tribunal has awarded compensation to the claimant, but not all of it should be paid immediately. This is because the Secretary of State has the right to recover (recoup) any jobseeker's allowance, income-related employment and support allowance, universal credit or income support paid to the claimant after dismissal. This will be done by way of a Recoupment Notice, which will be sent to the respondent usually within 21 days after the Tribunal's judgment was sent to the parties.

The Tribunal's judgment states: (a) the total monetary award made to the claimant; (b) an amount called the prescribed element, if any; (c) the dates of the period to which the prescribed element is attributable; and (d) the amount, if any, by which the monetary award exceeds the prescribed element. Only the prescribed element is affected by the Recoupment Notice and that part of the Tribunal's award should not be paid until the Recoupment Notice has been received.

The difference between the monetary award and the prescribed element is payable by the respondent to the claimant immediately.

When the Secretary of State sends the Recoupment Notice, the respondent must pay the amount specified in the Recoupment Notice to the Secretary of State. This amount can never be more than the prescribed element of any monetary award. If the amount is less than the prescribed element, the respondent must pay the balance to the claimant. If the Secretary of State informs the respondent that it is not intended to issue a Recoupment Notice, the respondent must immediately pay the whole of the prescribed element to the claimant.

The claimant will receive a copy of the Recoupment Notice from the Secretary of State. If the claimant disputes the amount in the Recoupment Notice, the claimant must inform the Secretary of State in writing within 21 days. The Tribunal has no power to resolve such disputes, which must be resolved directly between the claimant and the Secretary of State.