



EMPLOYMENT TRIBUNALS

Claimant: Mrs N Bentley

Respondent: Axiom Ince Limited (in administration)

JUDGMENT

1 The claimant's application for a certificate of correction in respect of the judgment in this case promulgated on 21 May 2025 is refused.

2 The claimant's application for reconsideration of the judgment so as to award a 25% uplift on the amount of the protective award is refused under rule 70(2) of the Employment Tribunal Procedure Rules 2024 as there is no reasonable prospect of the judgment being varied as sought by her.

REASONS

1 The claimant, Mrs Bentley, applies for a certificate of correction of my judgment making a protective award in her favour under section 189(3) of the Trade Union and Labour Relations (Consolidation) Act 1992. She makes this application because she has received a letter from the Insolvency Service suggesting that the date of termination of her employment was 29 September 2023 and the award should run from that date.

2 A certificate of correction under rule 67 of the Employment Tribunal Procedure Rules 2024 is issued only where there has been a clerical error or accidental slip. In this case, there has been no such error or accidental slip. I have determined judicially that the protected period starts on 1 October 2023. Neither the respondent nor the Insolvency Service took any part in the proceedings leading to the judgment and I have no evidence that the claimant's dismissal was on 29 September 2023. The claimant's claim form stated that the dismissal was on 30 September 2023 when the respondent ceased trading but the narrative in the claim form suggests the dismissal date was 1 October 2023 when she became aware of what had happened. The claimant is entitled to require the Insolvency Service to make payment to her in accordance with the judgment properly made in her favour. I refuse to issue a certificate of correction.

3 The claimant also asks for a 25% uplift to be made to the protective award to reflect a recent change in the law permitting such uplifts in protective award cases. I have

treated this as an application by her for reconsideration of the judgment under rule 69 of the Employment Tribunal Rules of Procedure 2024.

4. The application is misconceived. An uplift to a protective award can only arise where there has been a breach of the ACAS Code of Practice on Dismissal and Re-engagement. This was not a case in which dismissal and re-engagement arose. In any event, the relevant Code of Practice only came into force in July 2024, long after the claimant's dismissal. There is any prospect of the judgment being varied to include an uplift and I refuse the application for reconsideration under rule 70(2) of the 2024 Rules of Procedure.

Employment Judge Robertson

30 June 2025

Notes

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.