



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr S Oakes

v Axiom Ince Limited (in administration)

Heard: By CVP in Leeds

On: 7 October 2025

Before: Employment Judge JM Wade

Appearance:

For the Claimant: in person

For the Respondent: No attendance

REMEDY JUDGMENT

1. The pursuit of remedy in the redundancy payment, arrears of pay and holiday pay claims was withdrawn today, the claimant having received these sums from the Secretary of State or, in the case of arrears, from the administrator.
2. I make no Basic Award, the claimant having received a Statutory Redundancy Payment in the same amount.
3. In the unfair dismissal complaint, the respondent shall pay to the claimant a Compensatory Award of £500.
4. The respondent shall further pay to the claimant the gross sum of £16090.04 in damages.
5. The recoupment regulations do not apply to these awards.

REASONS

Introduction

1. There was no defence to the claimant's remedy claims, the respondent having entered administration and the claimant having obtained consent for the claims to proceed.
2. I heard sworn evidence from the claimant and made the following findings.
3. The claimant was employed by the respondent as an interim head of finance from 8 October 2018. He was subject to a written contract of employment which provided that the employer give him six months' notice to terminate his employment. The respondent terminated his employment summarily and in breach of that term on 9 November 2023.
4. His contract provided for a salary of £160,000, and employer's pension contributions (which have been separately recovered). He found new employment with higher remuneration after six weeks.
5. He made claims to the Secretary of State and received payments including of £2371.50 in respect of the damages period 10 November to 22 December 2023.

The Law

6. The provisions applicable to the claimants' remedy are largely within the Employment Rights Act 1996; Part X unfair dismissal. The Tribunal has jurisdiction to determine disputes relating the breach of contractual terms as to notice.

Conclusions

7. The claimant is entitled to damages in respect of wrongful dismissal. I calculate that award on the basis of gross loss of salary (bearing in mind the 2018 HMRC rules on damages taxation), and applying the mitigating sums from higher paid employment after six weeks and Secretary of State payment. The damages are proven.
8. I make no unfair dismissal compensatory award beyond loss of statutory rights: any such award would duplicate the damages award and result in a windfall. Similarly the Basic Award, the claimant has received a statutory redundancy payment.
9. The recoupment regulations do not apply to this Judgment. The regulations do not apply to awards of damages, and other than loss of statutory rights, I made no element of compensatory award to which they would apply.

Dated: 7 October 2025

Employment Judge JM Wade