



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4110559/2019

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Held in Glasgow on 20 October 2021 (Final Hearing)

Employment Judge Ian McPherson

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Ms Margaret Macfarlane
(formerly Mrs M Easton)

Claimant
In Person

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Graeme B Easton
Trading as Alexander Easton Funeral Directors

Respondent
In Person

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

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The Judgment of the Employment Tribunal is that: -

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(1) Having heard both parties at this Final Hearing, and clarified and agreed the identity and designation of both parties, and amending the Tribunal's records accordingly, and having clarified the issues before the Tribunal for determination, being a complaint of unfair dismissal, contrary to **Section 98 of the Employment Rights Act 1996** ; a complaint of unlawful deduction from wages, contrary to **Section 13 of the Employment Rights Act 1996** ; and a failure by the respondent to provide the claimant with written particulars of employment, contrary to **Section 1 of the Employment Rights Act 1996**, of consent of **both parties, and in terms of Rule 64 of the Employment Tribunals Rules of Procedure 2013**, it is noted and recorded that the parties have mutually agreed in writing at this Final Hearing that the whole claim against respondent shall be dismissed, without admission of liability, with the payment of the sum of **EIGHTEEN THOUSAND POUNDS (£18,000)** by the respondent to the claimant, in full and final

E.T. Z4 (WR)

5 settlement, and without admission of liability, payment to take effect in accordance with an agreed schedule of instalment payments, starting with an initial lump sum payment by BACS transfer of **£,5000** by no later than **5 November 2021**, followed by 11 monthly payments by BACS of **£1,083 per month**, and a final payment of **£1,087**, over one year, the first such payment to be made no later than **5 December 2021**, and subsequent payments by no later than the fifth day of each succeeding month.

10 (2) Settlement terms having been agreed between the parties, the claimant consents to withdrawal of her whole claim, in terms of **Rule 51 of the Employment Tribunals Rules of Procedure 2013**, and dismissal of that claim, in terms of **Rule 52**, once the full amount of **£18,000** has been paid to her by the respondent.

15 (3) The respondent shall confirm to the Tribunal, in writing, when the full £18,000 has been paid to the claimant, so that a **Rule 52** dismissal judgment may be issued at that time.

20 (4) The Tribunal discharges the Final Hearing fixed for 21 October 2021 as being unnecessary.

REASONS

1. This case called before me as an Employment Judge sitting alone on the morning of Wednesday, 20 October 2021, for a 2-day public Final Hearing in person.

2. This Final Hearing followed upon sundry procedure by many Judges at several Preliminary Hearings over the period from presentation of the claim on 2 September 2019, and it being defended as from 29 October 2019.

30 3. Having clarified the issues before the Tribunal, and after an adjournment allowed for the parties to confer in confidential discussions as to settlement, it was agreed that, rather than continue the matter to allow parties to

implement settlement on terms to be agreed through a COT 3 settlement via ACAS, they would invite me to consider making a Consent Judgment, under **Rule 64**, if I thought it fit to do so, on terms agreed between them in writing.

- 5 4. No evidence was heard at this Hearing, and so no findings in fact are required.
5. After a period of adjournment, when parties drafted their written agreement, it was handed to me, and it has been placed on the casefile, and having heard from them further, and having discussed and agreed with them the terms
10 hereof, I confirmed that I was prepared to issue a **Rule 64** Consent Judgment on the agreed terms, of consent of both parties appearing, as well as a **Rule 52** dismissal judgment, in due course, thus bringing these Tribunal proceedings to an end as regards both parties.

15 Employment Judge: Ian McPherson
Date of Judgment: 20 October 2021
Entered in register: 20 October 2021
and copied to parties

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