



Home Office

Permanent Secretary

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Meg Hillier MP
Chair of the Committee of Public Accounts
House of Commons
London
SW1A 0AA

27 April 2021

Dear Ms Hillier,

Thank you for your letter of 13 April 2021, in relation to the settlement of Sir Philip Rutnam's employment tribunal claim, in which you ask a number of questions on specific aspects of the agreement. The Home Secretary has asked me to respond on her behalf.

Sir Philip initiated employment tribunal proceedings against the Home Office. You are correct that where a claim for unfair dismissal under section 98 of the Employment Rights Act 1996 (ERA) is brought, then damages are capped in accordance with subsection 124(1) of the ERA. However, in this case Sir Philip also alleged that his dismissal was unfair under an additional section of the ERA and a dismissal on those grounds is not subject to such a cap (subsection 124(1A)).

As noted in a statement issued when the settlement was announced (to which you have referred), the Government did not accept liability in this case and it was right that the claim was defended. It is usual in Employment Tribunal cases to consider alternative methods of resolving claims. This can be through direct negotiations between the parties, engaging ACAS or through Judicial Mediation. Such considerations are taken in the normal course of events and are based on legal advice and consideration of value for money. Having engaged with Sir Philip and his representatives, it was jointly concluded that it was in both parties' best interests to reach a settlement at this stage.

Sir Philip's settlement was not made as a result of the Restriction on Public Sector Exit Payment Regulations 2020 being revoked; their revocation changed the process for approval. Sir Philip's settlement was a special payment under [Managing Public Money](#) and agreement for this obtained as per usual procedure, including from HM Treasury.

I can confirm that there is no non-disclosure agreement or 'confidentiality clause' attached to the settlement agreement; however, it does constitute personal data. It is common practice for the Government not to comment in detail on individual personnel matters, although a statement can be found on Sir Philip's GOV.UK page at the following link: [Sir Philip Rutnam - GOV.UK \(www.gov.uk\)](#).

I hope that this provides you with the information you sought. I am copying this letter to

the chair of the Home Affairs Select Committee.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Matthew Rycroft', with a long horizontal flourish extending to the right.

Matthew Rycroft
Permanent Secretary