



EMPLOYMENT TRIBUNALS

Claimant: Ms N Jones

Respondents: The Home Office

HELD AT: Liverpool

ON: 5 June 2017

BEFORE: Employment Judge Shotter
Mr R Tyndall
Mr R Cunningham

REPRESENTATION:

Claimant: Email 19 May 2017

Respondent: Email 25 May 2017

JUDGMENT

The unanimous judgment of the Tribunal is as follows:

1. The Judgment promulgated on 18 May 2017 is reconsidered under Rule 70 of the Tribunal Rules 2013 in the interests of justice and the Judgment is varied to include a recalculation of the interest compensation for unlawful disability discrimination in the terms set out below.
 - 1.1 The respondent is ordered to pay compensation for unlawful disability discrimination in the sum of £3245.45 loss of earnings, £914.72 pension contributions and £445.15 in respect of unpaid childcare vouchers totalling £4605.32 together with interest at the agreed amount of 8% £442.11 totalling £5047.43 plus 10% uplift for failure to follow the ACAS Code totalling £5552.17.
 - 1.2 The respondent is ordered to pay compensation for unlawful disability discrimination in the sum of £6,600 injury to feelings together with agreed interest at 8% in the sum of £1270 totalling £7870 together with a 10% uplift for failure to comply with the ACAS Code totalling £8657.

- 1.3 The respondent is ordered to pay compensation for unlawful disability discrimination in the sum of £2,000 for psychiatric personal injury together with a 10% uplift for failure to comply with the ACAS Code in the sum of £200.00 totalling £2200.00.
2. The respondent is ordered to pay to the claimant the sum of £1200 for reimbursement of Employment Tribunal fees.

REASONS

1. This is a reconsideration Hearing following promulgation of the Tribunal's judgment and reasons on remedy sent to the parties on 18 May 2016 ("the promulgated Judgment"), the Tribunal having found the respondent had unlawfully discriminated against the claimant under Section 20 – 22 of the Equality Act 2010 when it failed in its duty to make reasonable adjustments from 5th June 2014 to 5th January 2015.

2. The Tribunal has before two emails from the parties sent 19 May 2017 and 25 May 2017 evidencing an agreement as to the calculation of interest on the claimant's financial losses and injury to feelings. Given that an agreement has been reached as to the correct figures, these have been accepted by the Tribunal and the figures have been carried accordingly. Upon reconsideration of a judgment, a Tribunal has a wide discretion and may confirm, vary or revoke the original decision and, if revoked, the decision may be taken again - rule 70.

Re-amended Schedule

Loss of net earnings

6 September 2014 to 30 November 2014
(12 weeks @ £309.09) - £1854.54

1 - 7 December 2014
(1 week @ £309.09) - £309.09

Total: £4018.17

Less 50% reduction: £2009.09

8th December to 5th January 2015
(4 weeks @ £309.09) £1,236.36

Total loss of earnings: £3245.45

Pension contributions of £374. 82 per month

Employer's contributions:

November 2014 : (374.82-26.95) £347.87

December 1st to 7th £86.26

Total: £434.13

Less 50% reduction November to 7 December 2014

£217.06

Employee's contributions:

September 2014: £29.21 (129.19-29.21)

October 2014: £43.50 (129.19-83.89)

November 2014: £122.41 (121.16-6.78)

December 1st to 7th: £29.73

Total: £224.85

Less 50% reduction November to 7 December 2014

£112.43

December:8th to 31st

Employer's contributions - £374.82

Employee's contributions –£129.19

£504.01

1 – 5 January 2015

Employer's contributions- £59.97

(374.82 x12 divided by 365 x 5)

Employee's contributions - £21.24

(129.19x12 divided by 365 x 5)

Total;

£81.21

Total pension contributions:

£914.72

Childcare vouchers - £177.66 per month

6th September 2014 to 7 December 2014 - £532.98

Less 50% reduction November to 7 December 2014

£266.49

8th December 2014 to 5th January 2015

(4 weeks)

£ 177.66

Total childcare vouchers:		<u>£445.15</u>
<u>Total:</u>		£4605.32
<u>Add 8% interest as agreed</u>		£442.11
<u>Add 10% uplift</u>		£504.74
<u>Total compensation for unlawful disability discrimination</u>		<u>£5552.17</u>
Injury to feelings		£6,600.00
8% Interest on injury to feelings	£1270	
Uplift 10% for failing to follow ACAS Code-		£787
Total compensation for injury to feelings:		<u>£8657</u>
Personal injury	£2,000.00	
Add 10% for failing to follow ACAS Code	£200	
Total compensation for personal injury:		<u>£2200.00</u>
Costs		<u>£1200</u>
		<u>Total award: 17609.17</u>

05.06.2017
Employment Judge Shotter

JUDGMENT AND REASONS SENT TO THE PARTIES ON
19 June 2017
FOR THE SECRETARY OF THE TRIBUNALS



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): 2400786/2015

Name of Miss N Jones v The Home Office
case(s):

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 19 June 2017

"the calculation day" is: **20 June 2017**

"the stipulated rate of interest" is: 8%

MISS L HUNTER
For the Employment Tribunal Office