



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Miss N Vasconcelos

v

Manchester City Council

Heard at: Manchester

On: 28-30 November 2017

Before: Employment Judge Tom Ryan
Mrs A L Booth
Mrs C Clover

Appearances:

For the Claimant: Miss H Trotter, Counsel
For the Respondent: Mr C Taft, Counsel

JUDGMENT BY CONSENT

1. The respondent makes the following admissions:
 - 1.1. There were legitimate protected disclosures made by the claimant.
 - 1.2. The first disclosure was not adequately investigated.
 - 1.3. The second disclosure resulted in the resignation of the person about whom the disclosure was made.
 - 1.4. Thereafter the respondent did not adequately respond to the claimant's complaints of difficulties arising in her place of work as a consequence of her having made the protected disclosures referred to above.
 - 1.5. The claimant's complaints of bullying ought to have been accepted as having been made in good faith and ought to have been investigated by management when those complaints were first made.
 - 1.6. The respondent recognises that the claimant was at all material times a disabled person by reason of anxiety and depression. This was not properly taken into account by the area manager at that time and, in a meeting with the claimant on 1 November 2016, the area manager inappropriately queried the claimant's contentions as regards the nature and extent of her disability.

- 1.7. The respondent accepts that no proper consideration was given by the respondent to the possibility of moving the claimant from her place of work as a reasonable adjustment.
- 1.8. The respondent accepts that the claimant resigned from her employment with the respondent on 10 February 2016 by reason of the manner of her treatment by the respondent and that this amounted to an unfair constructive dismissal.
- 1.9. The respondent regrets the matters set out above and offers the claimant a sincere apology.
2. Upon those admissions having been made, the parties agree to judgment being entered for the claimant, in respect of her complaints under section 103A of the Employment Rights Act 1996 and sections 21 and 26 of the Equality Act 2010 and for constructive unfair dismissal, in the sum of £45,000.00.
3. The parties agree that £15,000.00 of that sum relate to the claimant's loss of earnings and that the balance includes a sum of damages in respect of personal injury.
4. The parties agree that payment of the said sum of £45,000.00 shall be made to the claimant's solicitors by or before 4 p.m. on 3 January 2018.
5. The Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply to the award recorded in this judgment upon the tribunal being satisfied that in the period between the termination of her employment and the date of the tribunal hearing the claimant has not received any relevant benefits.

Employment Judge Tom Ryan
30 November 2017

Sent to the parties on: 6 December 2017

For the Tribunal Office



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): 2401535/2017

Name of case(s): Miss N Vasconcelos v Manchester City Council

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: 6 December 2017

"the calculation day" is: **7 December 2017**

"the stipulated rate of interest" is: 8%

MISS K MCDONAGH
For the Employment Tribunal Office