



Case No: 2600235/2017

EMPLOYMENT TRIBUNALS

Claimant: Mr David Watts

Respondent: Long Eaton Plant Hire Limited

FINAL HEARING

Heard at: Nottingham **On:** 30-31 October 2017

Before: Employment Judge Camp **Members:** Mr WJ Dawson
Mr A O'Dwyer

Appearances

For the claimant: Miss S Watts (claimant's daughter)

For the respondent: Dr M Ahmed, counsel

JUDGMENT

- (1) The claimant was unfairly dismissed
- (2) The respondent discriminated against the claimant by breaching the duty to make reasonable adjustments for disability in and after August 2016.
- (3) The claimant is awarded and the respondent must pay him a total sum of **£5,775** in compensation for disability discrimination, made up as follows:
 - (i) £5,000 in injury to feelings;
 - (ii) £737 in loss of earnings;
 - (iii) £7 in lost pension contributions;
 - (iv) £31 in interest at 0.5% per annum on £5744 from 1 September 2016 to 31 October 2017 (13 months at 0.042% per calendar month).
- (4) The claimant is in addition awarded and the respondent must pay him, subject to recoupment under the Employment Protection (Recoupment Benefits) Regulations 1996 ("the Regulations"), a total sum of **£9,855.68** in compensation for unfair dismissal, made up as follows:
 - (i) a basic award of £3,951.68
 - (ii) a compensatory award of £5,904, consisting of £5,549 in relation to lost earnings, £55 in lost pension contributions & £300 for loss of statutory rights.



Case No: 2600235/2017

- (5) This paragraph relates to the above award of compensation for unfair dismissal only; it does not affect the above award of compensation for disability discrimination. Pursuant to the Regulations:
- (i) the amount of the prescribed element is £5,549;
 - (ii) the dates of the period to which the prescribed element is attributable are 2 November 2016 to 31 October 2017;
 - (iii) the amount by which the monetary award exceeds the prescribed element is £4,306.68;
 - (iv) in relation to the above award of compensation for unfair dismissal, the respondent must immediately pay the claimant the said sum of **£4,306.68**.
- (6) This Judgment was made and took effect on 31 October 2017.
- (7) Reasons were given orally at the hearing. Written reasons were requested and will be provided in due course.

SENT TO THE PARTIES ON

28 November 2017

FOR THE TRIBUNAL OFFICE



Claimant: Mr David Watts

Respondent: Long Eaton Plant Hire Limited

**ANNEX TO THE JUDGMENT
(MONETARY AWARDS)**

Recoupment of Benefits

The following particulars are given pursuant to the Employment Protection (Recoupment of Benefits) Regulations 1996, SI 1996 No 2349.

The Tribunal has awarded compensation to the claimant, but not all of it should be paid immediately. This is because the Secretary of State has the right to recover (recoup) any jobseeker's allowance, income-related employment and support allowance, universal credit or income support paid to the claimant after dismissal. This will be done by way of a Recoupment Notice, which will be sent to the respondent usually within 21 days after the Tribunal's judgment was sent to the parties.

The Tribunal's judgment states: (a) the total monetary award made to the claimant; (b) an amount called the prescribed element, if any; (c) the dates of the period to which the prescribed element is attributable; and (d) the amount, if any, by which the monetary award exceeds the prescribed element. Only the prescribed element is affected by the Recoupment Notice and that part of the Tribunal's award should not be paid until the Recoupment Notice has been received.

The difference between the monetary award and the prescribed element is payable by the respondent to the claimant immediately.

When the Secretary of State sends the Recoupment Notice, the respondent must pay the amount specified in the Recoupment Notice to the Secretary of State. This amount can never be more than the prescribed element of any monetary award. If the amount is less than the prescribed element, the respondent must pay the balance to the claimant. If the Secretary of State informs the respondent that it is not intended to issue a Recoupment Notice, the respondent must immediately pay the whole of the prescribed element to the claimant.

The claimant will receive a copy of the Recoupment Notice from the Secretary of State. If the claimant disputes the amount in the Recoupment Notice, the claimant must inform the Secretary of State in writing within 21 days. The Tribunal has no power to resolve such disputes, which must be resolved directly between the claimant and the Secretary of State.