



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms T

**Respondent:** A NHS Clinical Commissioning Group

**Heard at:** London South (Croydon)

**On:** 17 November 2017

**Before:** Employment Judge John Crosfill  
Ms N A Christofi  
Dr R P Fernando

## Representation

Claimant: In person assisted by her Uncle

Respondent: Mrs S Ramadan & Ms D Sikorska from Capsticks Solicitors

# REMEDY JUDGMENT

1. In respect of the Claimant's claim for arrears of pay brought under Part II of the Employment Rights Act 1996, the Respondent is ordered to pay the Claimant arrears of wages in the sum of £2,036.
2. In respect of the Claimant's claim for holiday pay brought under regulation 14 and 30 of the Working Time Regulations 1998, the Respondent is ordered to pay the Claimant £214.52.

## Awards made under Section 124 of the Equality Act 2010

3. In respect of the Claimant's claim for compensation/damages arising from the unlawful discrimination the Claimant is awarded a total sum of £36551.20 and the Respondent is ordered to pay the Claimant that sum. The calculation of that sum is set out in the schedule below.
4. The Claimant is entitled to interest on the sum at paragraph 3 above in the sum of £4890.72 and the Respondent is ordered to pay the Claimant that sum. The calculation of that sum is set out in the schedule below.

Employment Judge John Crosfill

Date 24 November 2017

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

## Schedule

### Claims for unpaid wages

1. By agreement between the parties the Claimant is entitled to be paid for the period between 1 February 2016 and 19 February 2016 and her gross wages are £2,036 for that period.

### Claim for unpaid holiday pay

2. By agreement between the parties the Claimant is entitled to be paid for holiday accrued but untaken during the period between 1 February 2016 and 19 February 2016 and her holiday pay is agreed at £214.52 for that period.

### Compensation/damages as a consequence of unlawful discrimination

#### Award for injury to feelings

3. The Tribunal made the following award for injury to feelings arising as a consequence of the dismissal:
  - 3.1. An award of £24,337 in respect of ordinary damages; and
  - 3.2. An award of £2,500.00 in respect of aggravated damages.
4. The Tribunal concluded that an uplift of 12.5% to reflect the failure by the Respondent to follow the ACAS code of practice was appropriate.
5. The total award (before interest) for the non-pecuniary loss is therefore  $(£24,337 + £2,500) \times 1.125 = \underline{£30,191.63}$ .
6. The date that the injury occurred was 19 February 2016 (the date of the dismissal). The present statutory rate of interest is 8%.
7. There are 638 days between the date of the injury and the date of the hearing.
8. The sum due in interest is therefore  $(638/365) \times 8\% \times £30,191.63 = \underline{£4,221.87}$ .

#### Award for pecuniary loss

9. The Claimant is awarded compensation in respect of the loss she has incurred as follows:
  - 9.1. In respect of loss of wages between 19 February 2016 and commencing work in Ireland on 19 May 2016 £884.99 and, during the same period, a loss of pension of £1332.97 a total of £2217.96 which shall be taken to have been incurred at the mid point (46 days after 19 February) that is 4 April 2016
  - 9.2. In respect of professional registration fees £818 which were incurred at the latest by 30 April 2016; and
  - 9.3. In respect of additional costs of a post graduate qualification £1014 which

were incurred at the latest by 30 September 2016; and

9.4. In respect of the cost of private medical treatment £1603 which were incurred at the latest by 31 December 2016.

10. The awards above are subject to the same uplift of 12.5% for the failure to comply with a relevant ACAS Code of Practice. The uplifted figures are:

10.1. Loss of wages and pension £2495.20

10.2. In respect of the professional registration £920.25

10.3. Costs of post graduate qualification £1140.75

10.4. Costs of private medical treatment £1803.37

11. The total award for pecuniary loss is £6359.57

12. The awards then attract interest at the statutory rate of 8% from the dates set out above to the date of the Tribunal hearing. The interest is as follows:

12.1. In respect of the wages and pension  $£2495.20 \times 8\% \times 593 \text{ days}/365$   
= £323.90

12.2. In respect of the professional registration  $£920.25 \times 8\% \times 567$   
days/365 = £114.23

12.3. In respect of the post graduate qualification  $£1140.75 \times 8\% \times 414$   
days/365 = £103.45

12.4. In respect of the medical treatment  $£1803.37 \times 8\% \times 322 \text{ days}/365 =$   
£127.27

13. The total interest on the pecuniary loss is £668.85

Total Award for the discrimination claim

14. Injury to feelings (including aggravated damages and Acas uplift) = £30,191.63  
+ £6359.57 pecuniary loss (including Acas uplift) = a total award of £36551.20

15. The total of the interest on the injury to feelings and pecuniary loss = £4,221.87  
+ £668.85 = a total interest payment of £4890.72