



## EMPLOYMENT TRIBUNALS

**Between:**

**Claimant:** Mr M Campbell

**Respondent:** The Secretary of State for Justice

**Heard at London South Employment Tribunal on 21 February 2019**

**Before Employment Judge Baron**

**Lay Members:** Mrs R C Macer and Ms V Stansfield

**Representation:**

**Claimant:** Patricia Campbell – The wife of the Claimant

**Respondent:** Naomi Ling - Counsel

### JUDGMENT AS TO REMEDIES FOR THE CLAIMANT

It is the judgment of the Tribunal that in accordance with section 124 of the Equality Act 2010 the Respondent do pay the following to the Claimant:

- 1 Compensation for loss of earnings in the sum of £12,384 together with interest thereon in the sum of £2,776.73 such amounts to be payable by 12 March 2019;<sup>1</sup>
- 2 Compensation for loss of pension benefit in the sum of £3,497.52 together with interest thereon in the sum of £784.21 such amounts to be payable by 27 February 2019;
- 3 Compensation for injury to feelings in the sum of £12,000 together with interest thereon in the sum of £2,929.97 such amounts to be payable by 27 February 2019.

### NOTE

- 1 The Tribunal has assessed the award for loss of earnings (and pension benefit) on the basis that in all probability the Claimant would have been lawfully dismissed by the Respondent with effect from 25 July 2016 rather than 25 January 2016. However it appears to be agreed that the Claimant is now in the process of being awarded both an ill health retirement

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<sup>1</sup> See note below

pension and also Civil Service Injury Benefit which will cover the six months in question. The Tribunal was not satisfied with the information before it that those awards had finally been made.

- 2 We decided that it was proper to offset any such payments against the award of compensation for loss of earnings, and that the appropriate way to deal with the point was to make an award not taking into account any such payments, but to indicate to the Respondent that an application could properly be made for a reconsideration of this judgment in the interests of justice under rule 70-73 of the Employment Tribunals Rules of Procedure 2013 as and when any payments were made.
- 3 It is essential that this matter is dealt with without further delay, and we see no reason why there should be such delay. I am due to retire with effect from 29 March 2019. Any reconsideration should be undertaken by the Tribunal which dealt with the matter, although another Employment Judge could be nominated. That judge would not have the material background knowledge and will not have been involved in the making of the decisions to date.

**Employment Judge Baron  
Dated 12 February 2019**