



EMPLOYMENT TRIBUNALS

Claimant: Ms E Farnan

Respondent: EGov Digital Limited

Heard at: Liverpool

On: 22 February 2019

Before: Employment Judge T Vincent Ryan

REPRESENTATION:

Claimant: Mr R Gray, Counsel

Respondent: Mr P Clarke, Consultant

JUDGMENT ON REMEDY

The judgment of the Tribunal is:

1. The respondent's application for a postponement of this hearing is refused in the interests of justice.
2. Further to the liability Judgment of 19 April 2018, it is declared, but no award is made, that the respondent made unauthorised deductions from the claimant's wages, failed to pay to her holiday pay due on termination of employment and breached her contract of employment with regard to the payment of training course fees.
3. Further to the Judgment on liability of 19 April 2018, it is further declared that the claimant was unfairly dismissed by the respondent, that the respondent dismissed the claimant in breach of contract with regard to notice of termination, and that the respondent discriminated against the claimant by treating her unfavourably because of something arising from her disability, and in respect of those matters the respondent shall pay to the claimant compensation and damages totalling £29,458.52. Contrary to the announcement made at the time of the Judgment, the recoupment provisions do **not** apply. The award is made up as follows:

(1) Unfair Dismissal

Basic Award	£978.00
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(2) Disability Discrimination

Financial loss and loss of statutory rights to date	£10,638.93
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Future loss – 12 weeks from date of remedy hearing	£1,524.24
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Uplift – 25% (Section 207A TULRA 1992)	£3,040.79
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Interest on losses to date at 8%	<u>£523.84</u>
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Total	<u>£15,727.80</u>
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(3) Non financial loss –

Damages for injury to feelings	£8,500.00
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Personal injury damages	£2,500.00
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Aggravated damages	<u>£1,500.00</u>	£12,500.00
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Plus interest at 8%	<u>£1,230.72</u>
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Total	<u>£13,730.72</u>
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4. By consent the respondent shall pay a contribution to the claimant's costs in respect of its application for reconsideration of the liability Judgment in the agreed sum of £1,362.90 plus VAT totalling £1,635.48, and the claimant's provisional application for costs in respect of today's remedy hearing was determined; in the event that the claimant seeks payment of costs in respect of the remedy hearing a written costs application will be required in accordance with rules 74-84 Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013.

Employment Judge T Vincent Ryan

Date: 26.02.19

JUDGMENT SENT TO THE PARTIES ON

27 February 2019

FOR THE TRIBUNAL OFFICE

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 (and no such request was made) or a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): **2404176/2018**

Name of **Ms E Farnan** v **EGov Digital Limited**
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: **27 February 2019**

"the calculation day" is: **28 February 2019**

"the stipulated rate of interest" is: **8%**

MRS L WHITE
For the Employment Tribunal Office

