



THE EMPLOYMENT TRIBUNALS

Claimant: Mrs S Pugal

Respondent: British Telecommunications Plc

Heard at: North Shields **On:** 15 August 2018

Before: Employment Judge Morris

Members: Mr M Brain
Ms M Clayton

Representation:

Claimant: Mr R Ryan of Counsel

Respondent: Ms C Brown, Solicitor

JUDGMENT ON REMEDY

The judgment of the Tribunal is as follows:

- 1 By consent, the respondent is ordered to pay to the claimant compensation in respect of her dismissal (which the Tribunal found to be unfair at a hearing limited to liability only) of £4,537.36 in total. That sum comprising the following:
 - 1.1 A basic award of £3,422.95.
 - 1.2 A compensatory award of £1,114.41, which comprises compensation for the loss of one month's net pay following the date of the claimant's dismissal of £814.41 plus compensation for 'loss of statutory rights' of £300.
- 2 The Recoupment Regulations do not apply to the award of compensation referred to above.

REASONS

- 1 Immediately prior to the commencement of the remedy hearing early in the afternoon of the hearing date of 15 August 2018 the Tribunal had considered an application for reconsideration of its judgment on liability that had been sent to the parties on 13 February 2018, which had been made pursuant to rule 71 of the Employment Tribunals Rules of Procedure 2013.
- 2 That application had resulted in the Tribunal's judgment on liability being varied to the extent that two sentences contained within paragraph 6.27 of that judgment were deleted and replaced with the following:

“Unfortunately but in the opinion of the Tribunal understandably, Ms Patten had replied to the claimant's work e-mail address on the day that she commenced her sickness absence and, therefore, she was not at work to see the response. The claimant was critical of the delay, which she assessed to be of the heart weeks, in Ms Patten's response but considering all the circumstances in the round the Tribunal does not find that the time taken by Ms Patten to respond, which the Tribunal calculates to be 11 working days, was unreasonable”.
- 3 Upon the Tribunal's judgment in relation to the reconsideration application being announced, the representative repeated an indication given earlier in the day that they considered that there was a possibility that agreement could be reached as to remedy, the claimant having indicated that she was interested only in an award of compensation from the Tribunal.
- 4 Over lunch that agreement was concluded, details being given to the Tribunal at the commencement of the remedy hearing in the afternoon.
- 5 Thus the Tribunal comes to make an award of compensation for unfair dismissal pursuant to section 118 of the Employment Rights Act 1996 (“the 1996 Act”). That award consists of a basic award (as referred to in section 118(1)(a) of the 1996 Act) in the sum of £3,422.95 and a compensatory award (as referred to in section 118(1)(b) of the 1996 Act). The compensatory award comprises one month's net salary plus an award in respect of the claimant's loss of her 'statutory rights' in the sum of £300.
- 6 This award reflects the preliminary indication of the Tribunal at paragraph 42 of its judgment on liability that it would be “likely to be limited to a maximum of a basic award and an award in respect of the loss of her statutory rights plus an amount reflecting net pay and any other elements of contractual remuneration for a period of one month”.
- 7 The Tribunal makes the above order acknowledging the declared understanding between the parties at today's hearing that neither will make any application to this Tribunal (for example, for an award of costs or further reconsideration of the judgments of this Tribunal relating to the reconsideration application or the remedy hearing) or pursue an appeal in respect of such judgments.

- 8 The Employment Protection (Recoupment Benefits) Regulations 1996 do not apply to the award of compensation referred to above.

EMPLOYMENT JUDGE MORRIS

**JUDGMENT SIGNED BY EMPLOYMENT
JUDGE ON 20 SEPTEMBER 2018**

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