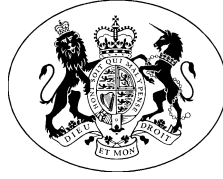


RESERVED REASONS



EMPLOYMENT TRIBUNALS

Claimant

AND

Respondent

Dr A Nabili

Norfolk Community Health and
Care NHS Trust

Case originally heard at: London Central

Before: Employment Judge D A Pearl

FURTHER JUDGMENT AS TO REMEDY

The judgment of the Tribunal is that:

- 1 The Respondent shall pay to the Claimant a basic award of £1,200.
- 2 The Respondent shall pay to the Claimant a compensatory award of £12,147.29.

REASONS

1. In my Judgment on Remedy sent to the parties on 12 February 2018 after a hearing on 7 November 2017 I ordered as follows:- No order for reengagement or reinstatement; a compensatory award of 7 weeks' net pay and benefits; a 25% uplift under s 207A. The amounts of the basic and compensatory awards were adjourned to a further hearing if not agreed.

2. Correspondence ensued. On 6 November 2018 the Respondent informed me that the Claimant was disputing the calculations and the Respondent's calculation was set out. The Claimant did not respond and on 6 February 2019 I asked her to do so. She replied and said she was unwell and said she needed expert advice to calculate her correct salary (as of 2011.) On 13 February 2019 the Respondent said that their calculation had been based on pre-dismissal pay slips; and that a further hearing was unjustified. Copy wage slips were enclosed. It was pointed out that the matter was 8 years old. On 20 February this year I said that either party could request an oral hearing, although I could decide the matter on written submissions. I asked the parties to say how they wished to proceed.

3. The Claimant did not respond by the specified date so I wrote again on 28 February and directed that any further submissions be received by 5 March. If nothing was received, I said I would decide the matter on the correspondence. I then received the Claimant's 27 February application for reconsideration which I have dealt with separately. There are no further submissions, save for the Respondent's request for a Judgment. I apologise to the parties for the delay, which is because I retired as a full-time Employment Judge on 20 March.

4. On the material I have, I can see no reason to contradict the Respondent's figures. Indeed, I have no evidence or submissions that would enable me to do so. I therefore accept the calculations. The basic award is not in dispute: **£1,200** is the award. 7 weeks' net pay is £7,490.83. The pension calculation for 7 weeks is sensible: £1,827. £400 compensates for lost statutory rights. The compensatory award is the total of these last three figures: **£9,717.83**. (The Respondent has inflated the figures by 3p.) As to the uplift, 25% of the compensatory award is **£2,429.46**. These sums for the compensatory award total **£12,147.29**.

5. I am unaware whether or not the recoupment regulations apply. If they do, the total monetary award is £13,347.29; the prescribed element is £7,490.83; the period of the prescribed element is 5 May 2011 to 23 June 2011; the excess of the monetary award over the prescribed element is £5,856.46.

Employment Judge Pearl

Date 4 June 2019

JUDGMENT & REASONS SENT TO THE PARTIES ON

6 June 2019

FOR THE TRIBUNAL OFFICE